

*Education*

# THE ILLINOIS SCHOOL LAW.

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A N A C T

TO ESTABLISH AND MAINTAIN A SYSTEM OF

# FREE SCHOOLS,

APPROVED APRIL 1, 1872.

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INCLUDING THE LATEST AMENDMENTS.

***1872-1874***

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A N A C T

TO ESTABLISH AND MAINTAIN A SYSTEM OF  
F R E E S C H O O L S.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:*

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION—HIS ELECTION AND DUTIES.

That at the election to be held on Tuesday after the first Time of election Monday of November, in the year of our Lord one thousand eight hundred and seventy-four, and quadrennially thereafter, there shall be elected, by the legal voters of this state, a state superintendent of public instruction, who shall hold his office for four years from the second Monday in January next after his election, and until his successor is duly elected and qualified.

§ 2. Before entering upon his duties he shall take and Oath and bond. subscribe the oath of office prescribed by the constitution, and shall also execute a bond, in the penalty of twenty-five thousand dollars, payable to the state of Illinois, with securities to be approved by the governor, conditioned for the prompt discharge of his duties as superintendent of public instruction, and for the faithful application and disposition, according to law, of all school moneys that may come into his hands by virtue of his office. Said bond and oath shall be deposited with the secretary of state, and an action may be maintained thereon by the state, at any time, for a breach of the conditions thereof.

§ 3. It shall be his duty to keep an office at the seat of Place and man- government of the state, and to file all papers, reports and ner of keeping public documents transmitted to him by the school officers of the several counties, each year separately, and to keep and preserve all other public documents, books and papers relative to schools, coming into his hands as state superintendent, and to hold the same in readiness to be exhibited to the governor, or to any committee of either house of the general assembly; and shall keep a fair record of all matters pertaining to the business of his office.

§ 4. He shall, without delay, pay over all sums of money which may come into his hands by virtue of his office, to the officer or person entitled to receive the same, in such manner as may be prescribed by law.

§ 5. He shall counsel and advise, in such manner as he may deem most advisable, with experienced and practical school teachers, as to the best manner of conducting common schools.

**Adviser county superintendents.** § 6. Said superintendent shall have the supervision of the common and public schools in the state, and shall be the general adviser and assistant of county superintendents of schools in this state; he shall from time to time, as he shall deem for the interests of schools, address circular letters to said superintendents, giving advice as to the best manner of conducting schools, constructing school houses, furnishing the same, examining and procuring competent teachers.

**Report to governor.** § 7. Said state superintendent shall, on or before the fifteenth day of December preceding each regular session of the general assembly, report to the governor the condition of the schools in the several counties of the state, the whole number of schools which have been taught in each county in each of the preceding years, commencing on the first of October; what part of said number have been taught by males exclusively, and what part by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods; the number of scholars in attendance at said schools; the number of persons in each county under twenty-one years of age, and the number of such persons between the ages of twelve and twenty-one years that are unable to read and write; the amount of township and county funds; the amount of the interest of the state or common school fund, and of the interest of the township and of the county fund annually paid out; the amount raised by an *ad valorem* tax; the whole amount annually expended for schools; the number of school houses, their kind and condition; the number of townships and parts of townships in each county; the number and description of books and apparatus purchased for the use of schools and school libraries under the provisions of this act, the price paid for the same, and total amount purchased, and what quantity and how distributed; and the number and condition of the libraries, together with such other information and suggestions as he may deem important in relation to the school laws, schools, and the means of promoting education throughout the state; which report shall be laid before the general assembly at each regular session.

§ 8. The said state superintendent of public instruction shall make such rules and regulations as may be necessary and expedient to carry into efficient and uniform effect the provisions of this act, and of all the laws which now are or may hereafter be in force for establishing and maintaining

free schools in this state; and shall be the legal adviser of To be legal adviser of school officers, and when requested by any such school officer, shall give his opinion in writing upon any question arising under the school laws of this state.

§ 9. The said state superintendent shall have power to direct and cause the county superintendent of any county, May cause funds to be withheld. directors or boards of trustees or township treasurer of any township, or other school officer, to withhold from any officer, township, district or teacher, any part of the common school, or township, or other school fund, until such officer, township treasurer or teacher shall have made all schedules, reports and returns required of him by this act, and until such officer shall have executed and filed all official bonds and accounted for all common school or township or other school funds which have heretofore come into his hands, as required of him by this act.

§ 10. And the said state superintendent shall receive annually such sum as may be provided by law, as a salary for the services required under the provisions of this act, or any other law that may be passed, and also all necessary contingent expenses, for books, postage and stationery pertaining to his office—to be audited and paid by the state, as the salaries and contingent expenses of other officers are paid.

#### COUNTY SUPERINTENDENTS—THEIR ELECTION AND DUTIES.

§ 11. On the Tuesday next after the first Monday in November, one thousand eight hundred and seventy-three, and every four years thereafter, there shall be elected by the qualified voters of every county in this state, a county superintendent of schools, who shall perform the duties required by law. He shall, before entering upon his duties, take the oath prescribed by the constitution, and execute a bond, payable to the state of Illinois, with two or more responsible freeholders as security, to be approved by the county board, or judge and clerk of the county court, in penalty of not less than twelve thousand dollars, to be increased at the discretion of said board, conditioned that he will faithfully perform all the duties of his office according to the laws which are or may be in force; by which bond the obligors shall be bound jointly and severally, and upon which an action or actions may be maintained by the board of trustees of the proper township, for the benefit of any township or fund injured by any breach thereof; and joint action may be had for two or more funds.

§ 12. The bond required in the foregoing section shall be in the following form, viz:

STATE OF ILLINOIS, { ss.  
..... County.

Form of bond.

Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the People of the State of Illinois, in the penal sum of ..... dollars, to the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof we have hereunto set our hands and seals, this ..... day of ..... A. D. 18..

The condition of the above obligation is such that if the above bounden A B, county superintendent of the county aforesaid, shall faithfully discharge all the duties of said office, according to the laws which now are or may hereafter be in force, and shall deliver over to his successor in office all moneys, books, papers and property in his hands, as such county superintendent, then this obligation to be void; otherwise to remain in full force and virtue.

A B, [SEAL]  
C D, [SEAL]  
E F, [SEAL]

And which bond shall be filed in the office of the county clerk.

**County superintendent liable to removal.**

**Supervisors may require a new bond.**

**Vacancies.**

**Books required to be kept.**

§ 13. The said superintendent shall be liable to removal by the county board for any palpable violation of law or omission of duty; and if a majority of said board shall at any time be satisfied that his bond is insufficient, it shall be his duty, on notice, to execute a new bond, to be payable, conditioned and approved as the first bond, the execution of which shall not affect the old bond, or the liability of the security thereof; and when the office of county superintendent shall become vacant by death, resignation or otherwise, the county board shall fill the same by appointment, and the person so appointed shall hold his office until the next election of county officers, at which election the county board shall order the election of a successor.

§ 14. The said superintendent shall provide three well bound books, to be known and designated by the letters A, B, C, for the following purpose: In book A, he shall record, at length, all petitions presented to him for the sale of common school lands, and the plats and certificates of valuation made by or under the direction of the trustees of schools, and the affidavits in relation to the same. In book B, he shall keep an account of all sales of common school lands; which account shall contain the date of sale, name of purchaser, description of land sold, and the sum sold for. In book C, he shall keep a regular account of all moneys received for lands sold, or otherwise, and loaned or paid out; the person of whom received, and on what account, and showing whether it is principal or interest; the person to whom loaned, the time for which the loan was made, the rate of interest, the names of the securities, when personal security is taken, or, if real estate is taken as security, a description of said real estate, and if paid out, to whom, when, and on what account, and the amount paid out; the list of sales and the accounts of each township fund to be kept separate. Said books shall be paid for out of the county treasury of the counties in which they are used.

**To pass upon bond of township treasurer.**

§ 15. Whenever the bond of any township treasurer, approved by the board of trustees of schools, as required by law, shall be delivered to the county superintendent, he shall carefully examine the same, and if the instrument is found to be in all respects according to law, and the securities good and sufficient, he shall indorse his approval thereon, and file the same with the papers of his office; but if said bond is in any respect defective, he shall return it for correction. When the bond shall have been duly received and filed, the superintendent shall, on demand, deliver to said township treasurer all moneys, bonds, mortgages, notes

and securities, and all papers of every description belonging to said township; and the said township treasurer shall receipt for the same, which receipt shall be carefully filed and preserved by the county superintendent, and shall be evidence of the fact therein stated.

§ 16. Upon the receipt of the amount due upon the auditor's warrant, the county superintendent shall apportion said amount to the several townships and parts of townships in his county, in which townships or parts of townships schools have been kept in accordance with the provisions of this act and with the instructions of the state and county superintendent, according to the number of children, under twenty-one years of age, returned to him, and shall pay over the distributive share belonging to each township and fractional township, to the respective township treasurers, or other authorized person, annually: *Provided*, that no part of the state, county, or other school fund shall be paid to any township treasurer, or other person authorized by said treasurer, unless said township treasurer has filed his bond, as required by the fifty-fifth section of this act, nor in case said treasurer is reappointed by the trustees, unless he shall have renewed his bond and filed the same as aforesaid.

§ 17. On or before the first Monday of November before each regular session of the general assembly, or annually, if so required by the state superintendent, the county superintendent shall communicate to said state superintendent all such information and statistics upon the subject of schools in his county as the said state superintendent is bound to embody in his report to the governor, and such other information as the state superintendent shall require; and any county superintendent so failing or refusing to report, shall be liable to removal by the county board for such neglect of duty.

§ 18. The county superintendent, upon his removal or resignation, or at the expiration of his term of service, (or in case of his death, his representatives,) shall deliver over to his successor in office, on demand, all moneys, books, papers and personal property belonging to the office, or subject to the control or disposition of the county superintendent.

§ 19. The county superintendent may loan any money, <sup>To loan county fund.</sup> not interest, belonging to the county fund, before the same is called for, according to law, by the township treasurer, at the same rate of interest, upon the same security and for the same length of time as is provided by this act in relation to the township treasurers, and apportion the interest as provided in section sixteen of this act; and notes and mortgages taken in the name of the "county superintendent" of the proper county, are hereby declared to be as valid as if taken in the name of "trustees of schools" of the proper township, and suits may be brought in the name of "county superintendents," on all notes and mortgages heretofore or hereafter made payable to the county superintendents.

*Apportionment  
to townships.*

*Funds not to  
be paid till bond  
is filed.*

*Liable to re-  
moval.*

*Interest appor-  
tioned.*

*Notes and mort-  
es in his fa-  
v.r.*

**Visitation of schools.** § 20. It shall be the duty of the county superintendent, if so directed by the county board, to visit, at least once in each year, every school in his county, and to note the methods of instruction, the branches taught, the text books used, and the discipline, government and general condition

**Official adviser.** of the schools. He shall give such directions in the science, art and methods of teaching as he may deem expedient and necessary, and shall be the official adviser and constant assistant of the school officers and teachers of his county, and shall faithfully carry out the advice and instructions of the State superintendent. He shall encourage the formation and assist in the management of county teachers' institutes, and labor in every practicable way to elevate the standard of teaching, and improve the condition of the common schools of his county. In all controversies arising

**Controversies —appeal.** under the school law, the opinion and advice of the county superintendent shall first be sought, whence appeal may be taken to the state superintendent, upon a written statement of facts, certified by the county superintendent.

**Failure of trustees to furnish statistics.** § 21. In all cases where the township board of trustees of any township shall fail to prepare and forward, or cause to be prepared and forwarded, to the county superintendent, the information and statistics required of them in this act,

**County superintendent to employ a competent person.** it shall be the duty of said county superintendent to employ a competent person to take the enumeration and furnish said statistical statement as far as practicable, to the superintendent; and said person so employed shall have free access to the books and papers of said township, to enable him to make such statement; and the township treasurer, or other officer or person in whose custody such books and papers may be, shall permit said person to examine such books and papers, at such times and places as such person may desire for the purposes aforesaid; and the said county superintendent shall allow, and pay to the person so employed by him, for the services, such amount as he may judge reasonable, out of any money which is or may come into said superintendent's hands, apportioned as the share of, or belonging to such township; and the said county superintendent shall proceed to recover and collect the amount so allowed or paid for such services, in a civil action before any justice of the peace in the county, or before any

**Suit against the trustees as individuals.** court having jurisdiction, in the name of the People of the State of Illinois, of and against the trustees of schools of said township, in their individual capacity; and in such suit or suits the said county superintendent and township treasurer shall be competent witnesses; and the money so recovered, when collected, shall be paid over to the county superintendent for the benefit of said township, to replace the money taken as aforesaid.

**May re-sell real estate.** § 22. When any real estate shall have been taken for debts due to any school fund, the title to which real estate has become vested in any county superintendent, or trustees of schools, for the use of the inhabitants of one or more townships, the county superintendent, or trustees of schools,

may re-sell such real estate for the benefit of said township or townships, under the provisions of this act regulating the sale of the common school lands, and the said superintendent, or trustees of schools, is hereby authorized to execute conveyances to purchasers.

#### TOWNSHIPS—TRUSTEES OF SCHOOLS.

§ 23. Each congressional township is hereby established <sup>School town-ship.</sup> a township for school purposes, but when any fractional township contains less than forty persons under twenty-one years of age, the trustees thereof, upon petition of a majority of the inhabitants of such fractional township, may, by written agreement entered into with the board of trustees of any adjacent township, consolidate the territory, school funds and other property of such fractional township with such adjacent township, and thereafter shall cease to exercise the functions of school trustees for such fractional township; and such territory, school funds and other property aforesaid shall thereafter be managed by the board of trustees of the adjacent and consolidated township, in accordance with the terms of agreement aforesaid, in the same manner as is or may be provided by law for the management of the territory, funds and other property of school townships. The business of the township shall be done by three trustees, to be elected by the legal voters of the township, who, upon their election, as hereinafter provided, shall be a body politic and corporate, by the name and style of "Trustees of Schools of Township . . . , Range . . . ," according to the number. The said corporation shall have perpetual existence; shall have power to sue and be sued, to plead and be impleaded in all courts and places where judicial proceedings are had. Said trustees shall continue in office three years, and until others are elected and enter upon the duties of their office. At the first regular election of trustees, after the passage of this act, a successor to the trustee whose term of office then expires shall be elected, and thereafter one trustee shall be elected annually.

§ 24. No person shall be eligible to the office of trustee <sup>Age and resi-  
dence.</sup> of schools, unless twenty-one years of age, and a resident of the township.

§ 25. The election of trustees of schools shall be on the second Saturday in April, annually; but in townships where such election has not been heretofore had, or where there are no trustees of schools, the election of trustees of schools may be held on any Saturday, notice being given as hereinafter in this section required. The first election shall be ordered, if in townships already incorporated, by the trustees of schools of the township, the township treasurer giving notice of the time and place by posting notices of the same at least ten days previous to the day of election, in not less than five of the most public places in the township. If there are no trustees of schools in a township, the county clerk shall cause the notice to be given as aforesaid, and

in such case the trustees elected at their first meeting shall draw lots for their respective terms of office for one, two and three years, and thereafter one trustee shall be elected, annually, to fill the vacancy occurring. For all subsequent elections, the like notices shall be given by the trustees of

Judges postpone election. may schools, through the township treasurer: *Provided*, that if, upon any day appointed as aforesaid, for election aforesaid, the said trustees of schools, or judges, shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them shall desire it, they shall postpone said election until the next Saturday, and at the same place and hour; at which meeting the voters shall proceed as if it were not a postponed or adjourned meeting: *And, provided, also*, that if notice shall not have been given as above required, then, and in that case, said election may be ordered as aforesaid, and holden on the first Saturday in May, or any other Saturday; notice thereof being given as aforesaid: *And, provided, also*, that if the township treasurer shall fail or refuse to give notice of the regular election of trustees, as aforesaid, and if, in case of a vacancy, the remaining trustee or trustees shall fail or refuse to order an election to fill such vacancy, as required in section twenty-nine of this act, then,

County superintendent to order election. and in each case, it shall be the duty of the county superintendent to order an election of trustees to fill such vacancies, as aforesaid; and all elections so ordered and held shall be valid to all intents and purposes whatever.

Judges of election. § 26. The trustees of schools of incorporated townships, present, shall act as judges, and choose a person to act as clerk of said election. If said trustees (or any of them) shall fail to attend, or refuse to act when present, the electors present shall choose from their own number such additional judges as may be necessary; and in townships unincorporated, the qualified voters present shall choose from amongst themselves the number of judges required to open and conduct said election.

Conduct of elections. § 27. The time and manner of opening, conducting and closing said election, and the several liabilities appertaining to the judges and clerks, and to the voters separately and collectively, and the manner of contesting said elections, shall be the same as prescribed by the general election laws of this state defining the manner of electing magistrates and constables, so far as applicable, subject to the provisions

Polls may be closed at four o'clock P. M. of this act: *Provided*, that said election may commence, if so specified in the notice, at any hour between the hours of eight A. M. and one P. M., and the judges may close such

Election of trustees at the town meeting. election at four P. M.: *And, provided, further*, that in counties adopting township organization, in each and every township whose boundaries coincide and are identical with those of the town, as established under the township organization laws, the trustee or trustees shall be elected at the same time and in the same manner as the town officers; and all elections heretofore held at such time and in such manner in such townships, are hereby legalized. And in

all such townships, if no trustees are elected at the stated town meeting, and when vacancies occur in the board, an election of trustee or trustees shall be ordered by the trustees of schools, through the township treasurer, as provided in the twenty-fifth section of this act.

§ 28. No person shall vote at said election, nor at any other election held in pursuance of the provisions of this act, unless he possesses the qualifications of a voter at a general election. In case of a tie at such election, it shall be determined by lot, on the day of election, by the judges thereof.

§ 29. When a vacancy or vacancies shall occur in the board of trustees of schools, the remaining trustee or trustees shall order an election to fill such vacancy, upon any Saturday, notice to be given as required in section twenty-five hereof.

§ 30. Upon the election of trustees of schools, the judges of the election shall, within ten days thereafter, cause a copy of the poll-book of said election to be delivered to the county superintendent of the county, with a certificate thereon, showing the election of said trustees and names of the persons elected; which copy of the poll-book, with the certificate, shall be filed by said superintendent, and shall be evidence of such election. For failure to deliver such copy of poll-book and certificate within the time prescribed, the judges shall be liable to a penalty of not less than twenty-five nor more than one hundred dollars, to be recovered, in the name of the People of the State of Illinois, by action of assumpsit before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund of the township. When trustees are elected at town meetings, as provided in section twenty-seven of this act, the officer or officers whose duty it is to make returns of said township election, shall make returns of such election of trustees to the county superintendent, within the time, and subject to the same penalty for omission, prescribed in this section.

§ 31. The said trustees of schools, elected as aforesaid, shall be successors to the trustees of school lands appointed by the county commissioners' court, and of trustees of schools elected in townships, under the provisions of "An act making provisions for organizing and maintaining common schools," approved February twenty-six, one thousand eight hundred and forty-one, and of "An act to establish and maintain common schools," approved March one, one thousand eight hundred and forty-seven. All rights of property, and rights and causes of action, existing or vested in the trustees of school lands, or trustees of schools, appointed or elected as aforesaid, for the use of the inhabitants of the township, or any part of them, shall vest in the trustees of schools as successors, in as full and complete a manner as was vested in the school commissioner (the trustees of school lands), or the trustees of schools appointed and elected as aforesaid.

Qualifications  
of voters.

Vacancies.

Poll-book.

Failure to de-  
liver poll-book.

Town officers  
to make returns

Successors to  
trustees  
of  
school lands.

**Meetings of trustees.** § 32. It shall be the duty of the board of trustees to hold regular semi-annual meetings on the first Mondays of April and October, and special meetings may be held at such other times as they may think proper. Special meetings of the board may be called by the president or any two members thereof; and at all meetings, two members of the board

**Appointment of treasurer.** shall be a quorum for business. The board shall organize by appointing one of their number president, and some person, who shall not be a director or trustee, and who shall be a resident of the township, treasurer, who shall be *ex-officio* clerk of the board. The president and treasurer shall hold their offices for one year, and until their successors are appointed; but either of said officers may be removed by the board for good cause. It shall be the duty of the president to preside at the meetings of the board; and it shall be the duty of the clerk to be present at all meetings of the board, and to record, in a book to be provided for the purpose, all their official proceedings, which shall be a public record, open to the inspection of any person interested therein; and all of said proceedings, when recorded, shall be signed by the president and clerk. If the president or clerk shall be absent, or refuse to perform any of the duties of his office, at any meeting of the board, a president or clerk, *pro tempore*, may be appointed.

**Trustees to lay off districts.** § 33. Trustees of schools in newly organized townships shall lay off the township into one or more districts, to suit the wishes and convenience of a majority of the inhabitants of the township, and shall prepare, or cause to be prepared, a map of the township, on which map shall be designated the district, or districts, to be styled, when there are more than one, "District No...., in Township No....," which districts they shall change at any regular meeting, upon the following conditions, and not otherwise:

*First*—Upon petition of a majority of the voters of each of the districts affected by the proposed change, they shall change the boundaries of any district lying wholly within the township.

*Second*—Upon a like petition school districts shall be formed out of parts of two or more townships or fractional townships, in which case the trustees of schools of said townships shall concur in the formation of such districts.

*Third*—Upon petition of all the voters in any territory, containing not less than five families, representing that they are not properly accommodated with school privileges, but will be by being added to another district, or formed into a new district; and upon petition of a majority of the voters of such other district, if any, it shall be the duty of the trustees of the township or townships in which such territory, or territory and district, are situated, to set-off such

**Change not to be made when district has a bonded debt.** territory: *Provided*, that such change shall not be made when the district from which the petitioners desire to be severed has a bonded debt, nor when the new district line will be brought nearer than one mile to any school house.

**Dissolution of union districts.** *Fourth*—Upon petition of a majority of the voters of a

district composed of parts of two or more townships, it shall be the duty of each of the boards of trustees of the several township to provide for so much of the territory of said district as lies within their respective townships, by annexing said territory to a district, or to districts already formed, or by the creation of a new district or districts, which shall include said territory.

*Fifth*—Upon petition of a majority of the voters of any district organized under a special act, and of the voters of other districts affected by the proposed change, trustees of the township or townships in which such district is situated shall change the boundaries of such district.

And whenever any changes, as provided in this section, are made, trustees of schools shall prepare, or cause to be prepared, a map of their township, showing the districts accurately; which map shall be certified by the president and clerk of the board, and filed with and recorded by the county clerk in a book kept for that purpose, to be paid for out of the county treasury. When a new district is formed from a part of a district, the trustees of a township or townships concerned, shall proceed forthwith to make a distribution of any tax funds or other funds which are in the hands of the treasurer, or to which the district may, at the time of such division, be entitled, so as that both the old and new districts shall receive parts of such funds in proportion to the amount of taxes collected, next preceding such division, from the property in the territory composing the several districts. If the new district be composed of parts of two or more districts, the trustees shall make distribution of said funds between the new district and the old districts respectively, so that the new district shall receive a distribution of the funds of each of the old districts in the proportion which the amount of taxes collected from the property in the territory of the new district, next before the division, bears to the whole tax collected, next before the division, in the old district; and the town treasurers shall forthwith place the sums so distributed to the credit of the respective districts, and shall immediately place the proportion of the said funds to which said new district may be entitled to its credit on his books, and the funds on hand shall be subject at once to the order of the directors of the new district, and those not on hand, as soon as collected. The trustees of the township or townships concerned shall, at the time of the creation of a new district, or within the period of thirty days thereafter, proceed to the appointment of three appraisers, who shall not be citizens of the township or townships interested. It shall be the duty of said appraisers, within thirty days after their appointment, to appraise the school property, both real and personal, of the district or districts interested, at their fair cash value. Within thirty days after such appraisement, the trustees of the township or townships concerned shall proceed to charge the property to the district in which it may be found, and to credit the other district interested therein with its proportion of such valuation: *Provided,*

Map of town-  
ship showing  
changes.

Division of  
funds.

Appraisal of  
district prop'rty

**Debts to be deducted.** that the *bona fide* debts, if any, of the old district, shall first be deducted and the balance charged and credited as aforesaid, and of the funds then on hand, or subsequently to accrue, belonging to such district to which such property is charged, the trustees shall direct the treasurer to place to the credit of the district not retaining said property its proportion of the value of said property. If trustees shall fail

**Trustees liable.** to observe the provisions of this section in reference to distribution of funds and property, they shall be individually and jointly liable to the district interested, in an action on the case, to the full amount of the damages sustained by the district aggrieved. Where trustees have heretofore failed to make distribution of property to districts, as provided by law, any district interested in the making of such distribution may, by its directors, request the trustees, in writing, to proceed to make such distribution; and said trustees shall proceed to make distribution in the manner in this section prescribed, and shall be liable in like manner for neglect or failure.

**Map to be filed in ten days.** Within ten days after any changes are made in district boundaries, whether by division, consolidation or otherwise, the township treasurer shall make a full record thereof in the record book of the trustees, and file a copy of said record, together with a new map of the township, and a list of the taxpayers resident in each of the newly arranged districts, in the office of the county clerk. Compliance with these requirements, within the said period of ten days, is hereby made essential to the validity of any alterations of district boundaries. If said copy of record, plat of township and list of taxpayers shall be filed, as aforesaid, in the office of the county clerk, within ten days after the October meeting of the trustees, the county clerk

**County clerk to correct tax list.** shall thereupon correct the lists required to be filed on or before the first Monday in September, under section forty-four of this act.

**Apportionment to districts.** § 34. At the regular semi-annual meetings, on the first Mondays of April and October, the trustees shall ascertain the amount of state, county and township funds on hand and subject to distribution, and shall apportion the same as follows:

**Basis of.** *First*—Whatever may be due for the compensation and the books of the treasurer, and such sum as may be deemed reasonable for dividing school lands, making plats, etc.

*Second*—The remainder shall be divided among the districts or fractions of districts, in which schools have been kept in accordance with the provisions of this act, and the instructions of the state and county superintendent, in proportion to the number of children under twenty-one years of age in each.

**Treasurer to pay out district funds.** The funds thus apportioned shall be placed on the books of the treasurer to the credit of the respective districts, and the same shall be paid out by the treasurer on the legal orders of the directors of the proper districts.

§ 35.\* Pupils shall not be transferred from one district

to another without the written consent of a majority of the directors of both districts; which written permits shall be delivered to and filed by the proper township treasurer, and shall be evidence of such consent. A separate schedule shall be kept for each district, and in each schedule shall be certified the proper amount due the teacher from that district, computed upon the basis of the total number of days' attendance of all the schedules. If the district from which the pupils are transferred is in the same township as the district in which the school is taught, the directors of said district shall deliver the separate schedule to their township treasurer, who shall credit the district in which the school was taught, and charge the other districts with the respective amounts certified in said separate schedules to be due. If pupils are transferred from a district of another township, the schedule for that district shall be delivered to the directors thereof, who shall immediately draw an order on their treasurer, in favor of the treasurer of the township in which the school was taught, for the amount certified to be due in said separate schedule. When a school is composed of pupils from different townships, the teacher shall, in all cases, be paid by the treasurer of the township in which the school is taught, and the duty of collecting the amount due from the other townships shall devolve upon the directors. Upon petition of fifty voters of any school township, filed with the township treasurer at least fifteen days preceding a regular election of trustees, it shall be the duty of said treasurer to notify the voters of the township that an election "For" and "Against" a high school will be held at the next ensuing election of trustees, and the ballots to such effect shall be received and canvassed at such election; and if a majority of the votes at such election shall be found to be in favor of a high school, it shall be the duty of the trustees of the township to establish, at some central point most convenient for a majority of the pupils of the township, a high school, for the education of the more advanced pupils. For the purpose of building a school house, supporting the school, and other necessary expenses, the township shall be regarded as a school district, and the trustees shall have the power and discharge the duties of directors for such district in all respects: *Provided*, that in like manner the voters and trustees of two or more adjoining townships, or parts of townships, may co-operate in the establishment and maintenance of a high school, on such terms as they may, by written agreement made by the boards of trustees, enter into.

§ 36. The board of trustees of each township in this state shall prepare, or cause to be prepared, by the township treasurer, the clerk of the board, the directors of the several districts, or other person, and forwarded to the county superintendent of the county in which the township lies, on or before the second Monday of October preceding each regular session of the general assembly of this state, and at such other times as may be required by the county superintendent, or by the state superintendent of public in-

<sup>Transfer of pupils.</sup>

<sup>Separate schedules.</sup>

<sup>Teacher to be paid by one treasurer.</sup>

<sup>Township high school.</sup>

<sup>How established.</sup>

<sup>Trustees to have powers of directors.</sup>

<sup>Report to county superintendent.</sup>

struction, a statement exhibiting the condition of schools in their respective townships for the preceding biennial period, giving separately each year, commencing on the first of October, and ending on the last of September; which statement shall be as follows:

**Items.** *First*—The whole number of schools which have been taught in each year; what part of said number have been taught by males exclusively; what part have been taught by females exclusively; what part of said whole number have been taught by males and females at the same time, and what part by males and females at different periods.

*Second*—The whole number of scholars in attendance at all the schools, giving the number of males and females separately.

*Third*—The number of male and female teachers, giving each separately; the highest, lowest and average monthly compensation paid to male and female teachers, giving each item separately.

**Illiteracy.** *Fourth*—The number of persons under twenty-one years of age, making a separate enumeration of those above the age of twelve years who are unable to read and write, and the cause or causes of the neglect to educate them.

*Fifth*—The amount of the principal of the township fund; the amount of the interest on the township fund paid into the township treasury; the amount raised by *ad valorem* tax and the amount of such tax received into the township treasury, and the amount of all other funds received into the township treasury.

*Sixth*—Amount paid for teachers' wages; the amount paid for school house lots; the amount paid for building, repairing, purchasing, renting and furnishing school houses; the amount paid for school apparatus, for books and other incidental expenses for the use of school libraries; the amount paid as compensation to township officers and others.

*Seventh*—The whole amount of the receipts and expenditures for school purposes, together with such other statistics and information in regard to schools as the state superintendent or county superintendent may require.

**Forfeiture for failure to report** And any township from which such report is not received in the manner and time required by law, shall forfeit its portion of the public funds for the next ensuing year: *Provided*, that upon the recommendation of the county superintendent, or for good and sufficient reasons, the state superintendent may remit such forfeiture.

**Separate enumeration.** § 37. In all cases where a township is or shall be divided by a county line or lines, the board of trustees of such township shall make, or cause to be made, separate enumerations of male and female persons of the ages as directed in the foregoing section of this act, designating separately the number residing in each of the counties in which such township may lie, and forward each respective number to the proper county superintendent of each of said counties; and in like manner, as far as practicable, all other statistics and information enumerated and required to be reported in the

aforesaid section, shall be separately reported to the several county superintendents; and all such parts of said statistical information as are not susceptible of division, and are impracticable to be reported separately, shall be reported to the county superintendent of the county in which the sixteenth section of such township is situated.

Statistics not divisible.

§ 38. At each semi-annual meeting, and at such other meetings as they may think proper, the said township board shall examine all books, notes, mortgages, securities, papers, moneys and effects of the corporation, and the accounts and vouchers of the township treasurer, or other township school officer, and shall make such order thereon for their security, preservation, collection, correction of errors, if any, and for their proper management, as may seem to said board necessary.

Examination by trustees.

§ 39. The board of trustees of each township in the state may receive any gift, grant, donation or devise made for the use of any school or schools, or library, or other school purposes within their jurisdiction; and they shall be Title of school houses. and are hereby invested, in their corporate capacity, with the title, care and custody of all schoolhouses and school house sites; but the supervision and control of them is expressly vested in the directors of each district in which said property is situated, who may grant the temporary use of school houses, when not occupied by schools, for religious meetings and Sunday schools, for evening schools and for literary societies, and for such other meetings as the directors may deem proper; and when, in the opinion of the school directors, the school house site or the buildings have become unnecessary, or unsuitable, or inconvenient for a school, said board of trustees, on petition of a majority of the voters of the district, shall sell and convey the same in the name of the said board, after giving at least twenty days' notice of such sale, by posting up written or printed notices thereof, particularly describing said property and terms of sale; and such conveyance shall be executed by the president and clerk of said board, and the avails shall be paid over to the township treasurer for the benefit of said district; and all conveyances of real estate which may be made to said board, shall be made to said board in their corporate name, and to their successors in office.

Directors to have control of school houses—may grant use of for meetings.

Sale of school houses.

§ 40. The township board shall cause all moneys for the use of the townships and districts to be paid over to the township treasurer, who is hereby constituted and declared to be the only lawful depositary and custodian of all township and district school funds. They shall have power also to remove the township treasurer at any time, for any failure or refusal to execute or comply with any order or requisition of said board, legally made, or for any other improper conduct in the discharge of his duty as treasurer. They shall also have power, for any failure or refusal, as aforesaid, to sue him upon his bond.

Township treasurer only lawful custodian.

May remove township treasurer.

May sue.

§ 41. The township trustees are hereby vested with general power and authority to purchase real estate, if, in their opinion, the interests of the township fund will be promoted thereby, in satisfaction of any judgment or decree.

May purchase real estate in satisfaction of judgments.

**Settlements.****May sell  
auction.**

wherein the said board or county superintendent are plaintiffs or complainants ; and the title of such real estate so purchased shall vest in said board, for the use of the inhabitants of said township, for school purposes. The said board are hereby vested with general power and authority to make all settlements with persons indebted to them in their official capacity ; or receive deeds of real estate in compromise ; and to cancel, in such manner as they may think proper, notes, bonds, mortgages, judgments and decrees, existing, or that may hereafter exist, for the benefit of the township, when the interest of said township, or the fund concerned, shall, in their opinion, require it ; and their action shall be valid. Said board of trustees are hereby authorized to lease or sell, at public auction, any land that may come into their possession, in such manner and on such terms as they shall deem for the interest of the township : *Provided*, that in all cases of sale of land as provided in this section, the sale shall be made at the same place, and notice given of it in the same manner, as is provided in this act for the sale of the sixteenth section ; and all such sales shall be by public auction.

**SCHOOL DIRECTORS—THEIR ELECTION AND DUTIES.****Term of office.****Notices  
elections.****Township trea-  
surer and coun-  
ty superintend-  
ent may order.****Judges.**

§ 42. The annual election of school directors shall be on the first Saturday of April, when one director shall be elected in each district, who shall hold his office for three years, and until his successor is elected. In new districts the first election may be on any Saturday, notice being given by the township treasurer, as for the election of trustees, when three directors shall be elected, who shall, at their first meeting, draw lots for their respective terms of office, for one, two and three years. When vacancies occur, the remaining director or directors shall, without delay, of order an election to fill such vacancies. Notices of all elections in organized districts shall be given by the directors, at least ten days previous to the day of said election. Said notices shall be posted in at least three of the most public places in the district, and shall specify the place where such election is to be held, the time of opening and closing the polls, and the question or questions to be voted on. Should the directors fail or refuse to order any regular or special election as aforesaid, it shall be the duty of the township treasurer to order such election; and if he fails to do so, then it shall be the duty of the county superintendent to order such election of directors, within ten days, in each case of such failure or refusal ; and the election held in pursuance of such order shall be valid the same as if ordered by the directors. Two of the directors ordering the election shall act as judges and one as clerk of said election. But if said directors, or any of them, shall fail to order an election, to attend, or refuse to act when present, and in unorganized districts, the legal voters, when assembled, shall choose such additional number as may be necessary to act as two judges and a clerk of said election: *Provided*,

that if, upon the day appointed for said election, the said Postponement. directors or judges shall be of opinion that, on account of the small attendance of voters, the public good requires it, or if the voters present, or a majority of them, shall desire it, they shall postpone said election until the next Saturday, at the same place and hour, when the voters shall proceed as if it were not an adjourned meeting: *And, provided,* Election on any also, that if notice shall not have been given as above required, then said election may be ordered as aforesaid, and Saturday. holden on the third Saturday in April, or any other Saturday; notice thereof being given as aforesaid. In case of a Tie. tie, the judges shall decide it by lot on the day of election. The directors shall appoint one of their number president Records. and another of their number clerk, who shall keep a record of all the official acts of the board, in a well-bound book provided for the purpose, which record shall be submitted to the township treasurer, for his inspection and approval, on the first Mondays of April and October, and at such other times as the township treasurer may require. The clerk of Reports. each board of school directors shall report to the township treasurer of the proper township, on or before the first Monday of October, annually, such statistics and other information in relation to the schools of their respective districts as the township treasurer is required to embody in his report to the county superintendent, and the particular statistics to be so reported shall be determined and designated by the state superintendent of public instruction. At the annual election of director, the directors shall make a detailed report of their receipts and expenditures to the voters there present, a copy of which shall be transmitted to the township treasurer within five days of the time of said election. They Number unable to read and write. shall also report the number and names of persons above the age of twelve years and under twenty-one, residing in the district, who are unable to read and write, and the causes of the neglect to educate them. Directors are authorized to use any funds belonging to their district, and not otherwise appropriated, for the purchase of a suitable book for their records, and the said records shall be kept in a punctual, orderly and reliable manner. They may also, where they deem the amount of labor done sufficient to justify it, allow out of such funds a compensation to said clerk for duties actually performed. Within ten days after every May compens- election of directors the judges shall cause the poll book to be delivered to the township treasurer, with a certificate thereon showing the election of said directors and names of the persons elected; which poll book shall be filed by the township treasurer, and shall be evidence of said election. For failure to deliver said poll book within the time pre- Penalty. scribed, the judges shall be liable to the same penalty as is prescribed in section thirty, which penalty may be recovered in the same manner as is provided in said section, and when collected, shall be added to the district funds. If any trustee or director shall not be an inhabitant of the district Resident. or township which he represents, an election shall be ordered

**Director can not be trustee.** to fill the vacancy; and no person shall be at the same time a director and trustee, nor shall a director or trustee be interested in any contract made by the board of which he is a member.

**Contracts.**

**Power to tax.** § 43. For the purpose of establishing and supporting free schools for not less than five nor more than nine months in each year, and defraying all the expenses of the same, of every description; for the purpose of repairing and improving school houses; of procuring furniture, fuel, libraries and apparatus, and for all other necessary incidental expenses, the directors of each district shall be authorized to levy a tax annually upon all the taxable property of the district, not to exceed two per cent. for educational, and three per cent. for building purposes, to be ascertained by the last assessment for state and county taxes. They may also appropriate to the purchase of libraries and apparatus any surplus funds, after all necessary school expenses are paid.

**Certificate of tax.** § 44. The directors of each district shall ascertain, as near as practicable, annually, how much money must be raised by special tax for school purposes during the ensuing year, which amount shall be certified and returned to the township treasurer, on or before the first Monday of September, annually. The certificate of the directors may be in the following form, viz:

We hereby certify that we require the amount of .... to be levied as a special tax for school purposes, on the taxable property of our district, for the year 18..  
Given under our hands this..... day of .....

A B, } Directors District No. ..., township  
C D, } No. ..., range No. ..., county of ...,  
E F, } State of Illinois.

**Time of return.** It shall be the duty of the township treasurer to return said certificates to the county clerk, on or before the second Monday of September; and whenever the boundaries of the districts of the township shall have been changed, the township treasurer shall return to the county clerk, with the certificates, a map of the township, showing such changes, and certified as required in the thirty-third section of this act.

**Map.** When a district lies partly in two or more counties, the directors shall determine and certify the amounts to be levied on the taxable property lying in each county, and return the same to the township treasurer, who shall return them to the respective county clerks, as herein-before provided.

**District in two counties.** § 45. According to the amounts certified as aforesaid, the said county clerk, when making out the tax books for the collector, shall compute each taxable person's tax in said district, upon the total amount of taxable property as equalized by the state board of equalization for that year, lying and being in said district, whether belonging to residents or non-residents, and also each and every tract of land assessed by the assessor, which lies, or the largest part of which lies in said district. The said county clerk shall cause each person's tax so computed to be set upon the tax book to be delivered to the collector for that year, in a

**County clerk to compute tax.**

separate column, against each tax-payer's name or parcel of taxable property, as it appears in said collector's book, to be collected in the same manner and at the same time, and by the persons, as state and county taxes are collected. It shall be the duty of assessors, when making assessments of personal property, to designate the number of the school district in which each person so assessed resides; which designation shall be made by writing the number of such district opposite each person's assessment of personal property, in a column provided for that purpose in the assessment roll returned by the assessor to the county clerk. It shall be the duty of the county clerk to copy said numbers of school districts, as returned by the assessor, into the collector's book, and to extend the school tax on each person's assessment of personal property according to the rate required by the amount designated by the directors of the school district in which such person resides. It is hereby made the duty of the proper officers, in preparing blank books and notices for the use of assessors, to provide columns and blanks for the use of assessors as above described. The computations of each person's tax, and the levy made by the clerk as aforesaid, shall be final and conclusive: *Provided*, the rate shall be uniform, and shall not exceed that required by the amount certified by the board of directors; and the said county clerk, before delivering the tax book to the collector, shall make out and send by mail to each township treasurer of the respective townships in the county, a certificate of the amount due each district, or fraction of a district in his township, of said tax, so levied and placed upon the tax books, and on or before the first day of April next after the delivery of the tax books containing the computation and levy of said taxes aforesaid, or so soon thereafter as the township treasurer shall present the said certificate of the amount of said tax, and make a demand therefor, the said collector shall pay to said township treasurer the full amount of said tax so certified by the county clerk, or in case any part thereof remains uncollected, said collector shall, in addition to the amount collected, deliver to said township treasurer a statement of the uncollected taxes for each district of such township, taking of the township treasurer his receipt therefor, which receipt shall be evidence, as well in favor of the collector as against the township treasurer; and said treasurer shall enter the amount collected in his books, under the proper heads, and pay the same out as provided for by this act.

§ 46. If any collector shall fail to pay the amount of said tax, or any part thereof, as required in the aforesaid section, it shall be competent for the township treasurer, or other authorized person, to proceed against such collector and his securities in an action of debt in any court of competent jurisdiction; and the said collector, so in default, shall pay twelve percentum upon the amount due, to be assessed as damages, which shall be included in the judgment rendered against him: *Provided*, no collector shall be

Collection of  
district tax.

Assessors to  
note district.

Duty of county  
clerk.

Tax to be uni-  
form.

Certificate of  
amount due  
each district.

Collector to  
pay to township  
treasurer.

Failure of  
collector to pay.

liable for such part of said tax as he shall be able to make appear he could not have collected by law, until he may be able to so collect such amount.

**Vote necessary for borrowing money.** § 47. For the purpose of building school houses, or purchasing school sites, or for repairing and improving the same, the directors, by a vote of the people, at an election called and conducted as required in the forty-second section of this act (a majority of the votes cast shall be necessary to authorize the directors to act), may borrow money, issuing bonds executed by the officers, or at least two members of the board, in sums of not less than one hundred dollars; but the rate of interest shall not exceed ten per cent. nor shall the sum borrowed in any one year exceed five per cent. (including previous indebtedness) of the taxable property of the district, to be ascertained by the last assessment for the state and county taxes previous to the incurring of

**Tax limited to three per cent exception.** Such indebtedness, nor shall the tax levied in any one year for building school houses, exceed three per cent. of said taxable property, except to pay indebtedness contracted previous to the passage of this act.

**Directors body politic.** § 48. The directors of each district are hereby declared a body politic and corporate, by the name of "School Directors of District No. ...., Township No. ...., County of ...., and State of Illinois," and by that name may sue and be sued in all courts and places whatever. Two directors shall be a quorum for business. The directors shall be

**Liable for balances due teachers.** Liable as directors for the balance due teachers, and for all debts legally contracted. They shall establish and keep in operation, for at least five months in each year, and longer,

**Powers and duties.** if practicable, a sufficient number of free schools for the proper accommodation of all children in the district over the age of six and under twenty-one years, and shall secure to all such children the right and opportunity to an equal

**Rules and regulations.** education in such free schools. They shall adopt and enforce all necessary rules and regulations for the management and government of the schools, and shall visit and inspect the same, from time to time, as the good of the schools may require. They shall appoint all teachers, fix the amount of their salaries, and may dismiss them for incompetency, cruelty, negligence, immorality or other sufficient cause. They shall have power to assign pupils to the several schools. They shall direct what branches of study

**Text books.** shall be taught, and what text-books and apparatus shall be used in the several schools, and strictly enforce uniformity of text-books therein, but shall not permit text-books to be changed oftener than once in four years. They may suspend or expel pupils for incorrigibly bad conduct, and no action shall lie against them for such expulsion or suspension; and may provide that children under twelve (12) years of age shall not be confined in school more than four hours daily.

**Vote required.** It shall not be lawful for a board of directors to purchase or locate a school house site, or to purchase, build or move a school house, or to levy a tax to extend schools beyond nine months, without a vote of the people, at an election

called and conducted as required in the forty-second section of this act. A majority of the votes cast shall be necessary to authorize the directors to act: *Provided*, that if no one locality shall receive a majority of all the votes cast at such election, the directors may, if in their judgment the public interests require it, proceed to select a suitable school house site; and the site so chosen by them shall, in such case, be legal and valid, the same as if it had been determined by a majority of the votes cast.

May select  
school site.

#### OF JUDGMENTS AND EXECUTIONS AGAINST BOARDS OF TRUSTEES OR SCHOOL DIRECTORS.

§ 49. If judgment shall be obtained against any township board of trustees or school directors, the party entitled to the benefit of such judgment may have execution therefor, as follows, to wit: It shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed by transcript or appeal from a justice of the peace or other court to issue thence a writ, commanding the directors, trustees and treasurer of such township to cause the amount thereof, with interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys unappropriated, of said township or district, or, if there be no such moneys, out of the first monies applicable to the payment of the kind of services or indebtedness for which such judgment shall be obtained, which shall be received for the use of such township or district, and to enforce obedience to such writ by attachment, or by *mandamus*, requiring such board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payments of a judgment, shall be served either on the president or clerk of the board.

Payment com-  
pelled.

#### EXAMINATION AND QUALIFICATIONS OF TEACHERS.

§ 50 \* No teacher shall be authorized to teach a common school under the provisions of this act who is not of good moral character and who does not possess a certificate as required by this section. It shall be the duty of the county superintendent to grant certificates to such persons as may, upon due examination, be found qualified; and said certificates shall be of two grades: those of the first grade shall be valid for two years, and shall certify that the person to whom such certificate is given is qualified to teach orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the elements of the natural sciences, the history of the United States, physiology and the laws of health. Certificates of the second grade shall be valid for one year, and shall certify that the person to whom such certificate is given is qualified to teach orthography,

Qualifications  
branches.

Two grades of  
certificates.

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\* As amended by the act approved March 30, 1874.

Renewal and revocation.

reading in English, penmanship, arithmetic, English grammar, modern geography and the history of the United States. The county superintendent may, at his option, renew said certificates at their expiration, by his endorsement thereon, and may revoke the same at any time, for immorality, incompetency, or other just cause. Said certificate may be in the following form, viz:

"....., ILLINOIS....., COUNTY.....

Form of certificate. "The undersigned having examined ..... in orthography, reading in English, penmanship, arithmetic, English grammar, modern geography, the history of the United States, and being satisfied that ..... is of good moral character, hereby certifies that ..... qualifications in the above branches are such as to entitle ..... to this certificate of the ..... grade, and valid in said county for .... year from the date thereof, renewable at the option of the county superintendent by his endorsement thereon.

Given under my hand and seal at the date aforesaid.

A. B. County Superintendent of Schools."

Graduates of county normal schools. In any county in which a county normal school is established, under the control of a county board of education, the diplomas of graduates in said normal school shall, when directed by said board, be taken by the county superintendent as sufficient evidence of qualifications to entitle the holder to a first class certificate. Each county superintendent shall also keep a record, in a book provided for that purpose, of all teachers to whom he grants certificates. Said record shall show the date and grade of each certificate granted, and the name, age and nativity<sup>of</sup> of each teacher; and shall give the names of male and female teachers separately. Said record may be as follows, viz:

Name.	Age.	Nativity.	Date.	Grade.	Remarks.
Chas. Thompson	25	Illinois.	March 1, 1864.	1	Has taught 5 yrs

State certificates. A copy or transcript of said record shall be transmitted by the county superintendent, with his regular report, to the state superintendent. The state superintendent of public instruction is hereby authorized to grant state certificates to such teachers as may be found worthy to receive them, which shall be of perpetual validity in every county and school district in the state. But state certificates shall only be granted upon public examination, of which due notice shall be given, in such branches and upon such terms, and by such examiners, as the state superintendent and the principals of the normal universities may prescribe. Said certificates may be revoked by the state superintendent upon proof of immoral or unprofessional conduct. Every school established under the provisions of this act shall be for the instruction in the branches of education prescribed in the qualifications for teachers, and in such other branches, including vocal music and drawing, as the directors or voters of the district, at the annual election of directors, may prescribe.

Kind of schools required. § 51. It shall be the duty of the county superintendent or the board of examiners, as the case may be, to hold meet-

Quarterly examinations.

ings at least quarterly, and oftener if necessary, for the examination of teachers, on such days and at such places in the respective counties as will, in their opinion, accommodate the greatest number of persons desiring such examination. Notice of such meetings shall be published a sufficient length of time, in at least one newspaper of general circulation, the expense of such publication to be paid out of the school fund. The county superintendent or board of examiners shall, in no case exact or receive any fee for certificates.

Notine.

No fee.

#### TEACHERS—THEIR DUTIES.

§ 52. No teacher shall be entitled to any portion of the common school or township fund, or other public fund, or be employed to teach any school under the control of any board of directors of any school district in this state, who shall not at the time of his employment, have a certificate of qualification, obtained under the provisions of this act; nor shall any teacher be paid any portion of the school or public fund aforesaid, unless he shall have kept and furnished schedules as herein directed, and shall have satisfactorily accounted for the books, apparatus and other property of the district that he may have taken in charge.

Teachers must possess certificate before employment.

Must return schedule.

§ 53. Teachers shall make schedules of the names of all scholars under twenty-one years of age, attending their schools, in the form prescribed by this act; and when scholars reside in two or more districts, townships or counties, separate schedules shall be kept for each district, township or county; and the absence or presence of every scholar shall be set down under the proper date, and opposite the name, on every day that school is open; and the absence of a scholar shall be signified by a blank—the presence by a mark. The schedule to be made and returned by the teacher shall be as near as circumstances will permit, in the following form, viz:

Schedule must be kept in form.

Form of sche- SCHEDULE of a common school kept by A. B., at ...., in district number ...., in  
dule. township number ...., range number ...., of the .... principal meridian, in  
the county of ...., in the state of Illinois:

		Names and ages of scholars attending my school, and residing in district number ...., in township .... north, range .... west, in .... county.												Total number of days each scholar.	
Names.	Age.	1874.	January	February	March	April	May	June	July	August	September	October	November	December	
John Smith ....	10	1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1												15
Isaac Meslier....	13	1	1 1 1 1 1 1 1 1 1 1 1 1 1 1												11
Sarah Danforth.	16	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1												20
Mary Newman.	19	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1												19

Grand number of days..... 63

	Males.	Fem'les	Total.
Number of scholars.....	2	2	4
Average daily attendance.....	3.2		

And said teacher shall add up and set down the whole number of days' attendance of each scholar, and add up said whole numbers, and make out the grand total number of days' attendance. He shall also note the whole number of scholars, giving the males and females separately; the average daily attendance; and shall set the age of each pupil opposite the name of said pupil, as in the form above prescribed, and shall attach thereto his certificate, which shall be in the following form, viz:

Teacher to cer-  
tify.

I certify that the foregoing schedule of scholars attending my school, as therein named, and residing as specified in said schedule, to the best of my knowledge and belief, is correct.

A. B., Teacher.

Schedule to be delivered to di- When the teacher shall have completed his or her sche-  
rectors. dule or schedules, as above required, he or she shall deliver it to some one of the directors; and it shall be the duty of said director, in connection with one other director of the board, to carefully examine such schedule or schedules, and, after correcting all errors, if they shall find such schedule to have been kept according to law, they shall certify to the same as near as practicable, in the following form, viz:

Directors certif.

STATE OF ILLINOIS, } ss  
..... County.

We, the undersigned, directors of ....., in township number ....., range number ....., in the county aforesaid, certify that we have examined the foregoing schedule, and find the same to be correct, and that the school was conducted according to law. That there is now due said C D, teacher, as per contract, the sum of ..... dollars and ..... cents, and that the said teacher has a legal certificate of good moral character, and of qualification to teach a common school (or of such grade as the case may be), and that the property of the district in charge of such teacher has been satisfactorily accounted for.

Witness our hands, this ..... day of ....., A. D. 18..

A B; } Directors.  
C D;

Which schedule or schedules, certified, as aforesaid, by at least two directors, shall be filed by said directors with the township treasurer; and until such schedule and report, as aforesaid, shall have been filed as aforesaid, it shall not be lawful for said treasurer to pay, said teacher, or any two members thereof to draw an order in favor of said teacher.

Schedule to be filed with treasurer by directors.

§ 54. School directors shall certify no schedule that reaches back to a time more than six months from the time fixed by law for the regular return of schedules to the township treasurer. Schedules made and certified as aforesaid, shall, at least two days before the first Monday in April and October, be delivered by the directors to the township treasurer. The director, or directors, to whom the schedule is delivered by the teacher, shall receipt for the same; which receipt shall be evidence in favor of the teacher, and against the director or directors; and the directors shall be personally liable for any loss sustained by the teacher through their failure to deliver the schedule to the township treasurer within the time fixed by law.

Limit of time.

Teachers' schedules are hereby declared payable monthly, upon the presentation of schedules, duly certified by the directors; and for any portion of the amount certified in said schedules, by the directors, to be due, and remaining unpaid after the same becomes due, teachers shall be entitled to interest at the rate of ten (10) per cent. per annum, until paid; and it is hereby made the duty of all school directors, trustees and township treasurers, to allow and pay said rate of interest upon all unpaid balances due teachers, as aforesaid; and said balances shall be paid out of the first moneys coming into the hands of the township treasurer, to the credit of the proper district, and not otherwise previously and specifically appropriated. The school month shall comprise twenty-two school days actually taught. Teachers shall not be required to teach on legal holidays, thanksgiving, or fast days appointed by state or national authority.

Receipt.

Liability.

Payable monthly.

Interest.

School month.

#### TOWNSHIP TREASURER—HIS DUTIES.

§ 55. The township treasurer, appointed by the board of trustees, shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of the township for which he is appointed treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of township

Bond of township treasurer.

## Approval.

treasurer, in township ...., range ...., in ..... county, according to law. The bond shall be approved by at least a majority of the board, and shall be delivered by one of the trustees to the county superintendent of the proper county. And in all cases where such treasurer aforesaid is to have the custody of all bonds, mortgages, moneys and effects denominated principal, and belonging to the township for which he is appointed treasurer, the penalty of said treasurer's bond shall be twice the amount of said bonds, notes, mortgages, moneys and effects. The penalty of said bond shall be increased from time to time, as the increase of the amount of notes, bonds, mortgages and effects may require. And every township treasurer appointed subsequent to the first, as herein provided, shall execute bond with security as is required of the first treasurer. The bond required in this section shall be in the following form, viz :

Penalty of bond. Form of bond. STATE OF ILLINOIS, } ss.  
..... County.

Know all men by these presents, that we, A B, C D and E F, are held and firmly bound, jointly and severally, unto the board of ..... in said county, in the penal sum of ..... dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents.

In witness whereof we have hereunto set our hands and seals this .... day of ...., A. D. 18..

The condition of the above obligation is such, that if the above bounden A B, township treasurer of township ...., range ...., in the county aforesaid, shall faithfully discharge all the duties of said office according to the laws which now are or may hereafter be in force, and shall deliver to his successor in office all moneys, books, papers, securities and property in his hands as such township treasurer, then this obligation to be void; otherwise to remain in full force and virtue.

Approved and accepted by

G H. }  
I J. } Trustees.  
K L. }

A B, [SEAL.]  
C D, [SEAL.]  
E F, [SEAL.]

Accounts of § 56. Every township treasurer shall provide himself treasurer. with two well bound books, the one to be called a cash book, the other a loan book. He shall charge himself in the cash book with all moneys received, stating the charge, when, from whom, and on what account received; and credit himself with all moneys paid or loaned, stating the amount loaned, the date of the loan, the rate of interest, the time when payable, the name of the securities, or, if real estate be taken, a description of the same. He shall also enter, in separate accounts, moneys received and moneys paid out, charging the first to debit account, and crediting the latter, as follows, to-wit:

*First*—The principal of the township fund, when paid in, and when paid out.

*Second*—The interest of the township fund, when received, and when paid out.

*Third*—The common school fund and other funds, when received from the county superintendent, and when paid out.

*Fourth*—The taxes received from the county or town collector, distinguishing between that for general school purposes and that levied for the purpose of prolonging schools.

*Fifth*—Donations received.

*Sixth*—Moneys coming from all other sources; and in all cases entering the date when received and when paid out. And he shall also arrange and keep his books and accounts

in such other manner as may be directed by the state or county superintendent, or the board of trustees. He shall also provide a book, to be called a journal, in which he shall record, fully and at length, the acts and proceedings of the board, their orders, by-laws and resolutions. And he shall also provide a book, to be called a record, in which he shall enter a brief description of all notes or bonds belonging to the township, and upon the opposite page he shall note down when paid, or any remarks to show where or in what condition it is, as in the following form, viz:

Record of notes  
and bonds.

Makers' names.	Date of note.	When due.	Am't.	Remarks.
A B, C D, E F.	January 1st, 18—	January 1st, 18—	\$90 00	January 6th, 18—, handed to I J, for collection, (or Jan. 6, 18—, paid.)

All the books and accounts of the treasurer shall at all times be subject to the inspection of the trustees, directors, or other person authorized by this act, or by any committee appointed by the voters of the township, at the annual election of trustees, to examine the same.

Subject to in-  
spection.

§ 57. Township treasurers shall loan, upon the following *Loans*.

conditions, all moneys which shall come to their hands by virtue of their office, except such as may be subject to distribution. The rate of interest shall not be less than eight per cent., nor more than ten per cent. per annum, payable half yearly in advance; the rate of interest to be determined by a majority of the township trustees, at any regular or special meeting of their board. No loans shall be made for less than six months, or more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible sureties shall be given; for all sums over one hundred dollars, and for all loans for more than one year, security shall be given by mortgage on real estate, unencumbered, in value double the amount loaned, with a condition that in case additional security shall at any time be required, the same shall be given to the satisfaction of the board of trustees for the time being:

Rate of interest.

*Provided*, that nothing herein shall prevent the loaning of township funds to boards of school directors, taking bonds therefor, as provided in section forty-seven of this act.

Loans may be  
made to direc-  
tors.

Notes, bonds, mortgages and other securities taken for money or other property, due or to become due to the board of trustees for the township, shall be payable to the said board by their corporate name; and in such name suits, actions and complaints, and every description of legal proceedings, may be had for the recovery of money, the breach of contracts, and for every legal liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided, however,* that notes, bonds, mortgages and other securities in which the name of the county superintendent or of the trustees of schools are inserted, shall be valid to all intents and pur-

Payable in cor-  
porate name.

Valid in other  
names.

poses; and suit shall be brought in the name of the board of trustees as aforesaid. The wife of the mortgagor (if he has one) shall join in the mortgage given to secure the payment of money loaned by virtue of the provisions of this act. Where there is a surplus of funds in the treasurer's hands, belonging to any school district, he may loan the same for the use and benefit of said district, upon the written request of the directors of such district, and not otherwise; and all such loans shall be on the same conditions as are prescribed in this section for the loaning of township funds.

Surplus.

Form of mort.  
gage.

§ 58. Mortgages, to secure the payment of money loaned under the provisions of this act, may be in the following form, viz:

I, A B, of the county of ....., and state of ....., do hereby grant, convey and transfer to the board of trustees of township ....., range ....., in the county of ....., and state of Illinois, for the use of the inhabitants of said township, the following described real estate, to-wit: (Here insert premises.) Which real estate I declare to be in mortgage for the payment of ..... dollars loaned to me, and for the payment of all interest that may accrue thereon, to be computed at the rate of ..... per cent per annum until paid. And I do hereby covenant to pay the said sum of money in ..... years from the date hereof, and to pay interest on the same at the rate aforesaid, half-yearly in advance. I further covenant that I have a good and valid title to said estate, and that the same is free from all incumbrance; and that I will pay all taxes and assessments which may be levied on said estate; and that I will give any additional security that may at any time be required, in writing, by said board of trustees; and if said estate be sold to pay said debt, or any part thereof, or for any failure or refusal to comply with or perform the conditions or covenants herein contained, I will deliver immediate possession of the premises; and we, A B, and C, wife of A B, hereby release all right to the said premises which we may have by virtue of any homestead laws of this state; and in consideration of the premises, C, wife of said A B, doth hereby release to the said board all her right and title of dower in the aforesearched premises, for the purposes aforesaid.

In testimony whereof, we have hereunto set our hands and seals this ..... day of ....., 18..

A B, [SEAL]  
C D, [SEAL]

Mortgage to be recorded. Which mortgage shall be acknowledged and recorded as is required by law for other conveyances of real estate, the mortgagor paying the expenses of acknowledgment and recording.

Action mortgage.

on § 59. Upon the breach of any condition or stipulation contained in said mortgage, an action may be maintained and damages recovered as upon other covenants; but mortgages made in any other form to secure payment, as aforesaid, shall be valid as if no form had been prescribed. In estimating the value of real estate mortgaged to secure the payment of money loaned under the provisions of this law, the value of improvements liable to be destroyed shall not be included.

Additional se-  
curity.Preference  
given to debts  
due school fund.

§ 60. In all cases where the board of trustees shall require additional security for the payment of money loaned, and such security shall not be given, the township treasurer shall cause suit to be instituted for the recovery of the same, and all interest thereon, to the date of judgment: *Provided*, that proof be made of the said requisition. In the payment of debts by executors and administrators, those due the common school or township fund shall have a preference over all other debts, except funeral and other expenses attending the last sickness, not including the physician's bill. And it shall be the duty of the township treasurer to attend at the office of the probate justice, upon

the proper day, as other creditors, and have any debts, as aforesaid, probated and classed, to be paid as aforesaid.

§ 61. If default be made in the payment of interest due upon money loaned by any county superintendent or township treasurers, or in the payment of the principal, interest at the rate of twelve per cent per annum shall be charged upon the principal and interest from the day of default, which shall be included in the assessment of damages, or in the judgment in suit or action brought upon the obligation to enforce payment thereof; and interest as aforesaid may be recovered in action brought to recover interest only. And the said township treasurers are hereby empowered to bring appropriate actions, in the name of the board of trustees, for the recovery of the half-yearly interest, when due and unpaid, without suing for the principal, in whatever form secured, and justices of the peace shall have jurisdiction in such cases of all sums of two hundred dollars.

Default in payment--penalty.

Action to recover inter'st.

§ 62. All suits brought, or actions instituted under the provisions of this act, may be brought in the name of the "Board of Trustees of Township . . . , Range . . . ," except as is provided for action *qui tam* in this act, or in favor of county superintendents. The township treasurer shall demand, receive and safely keep, according to law, all moneys, books and papers of every description belonging to his township. He shall keep the township fund loaned at interest; and if, on the first Monday in October in any year, there shall be any interest or other funds on hand which shall not be required for distribution, such amount, not required as aforesaid, may, if the board of trustees see proper, forever be considered as principal in the funds to which it belongs, and loaned as such.

Manner of bringing suits.

Duties of towns'p treas-urer.

§ 63. On the first Mondays of April and October, of every year, the township treasurer shall lay before the board of trustees a statement, showing the amount of interest, rents, issues and profits that have accrued or become due since their last regular half-yearly meeting, on the township lands and township funds, and also the amount of state and county fund interest on hand. He shall also lay before the said trustees all books, notes, bonds, mortgages and all other evidence of indebtedness belonging to the township, for the examination of the trustees, and shall make such other statement as the board may require touching the duties of his office. The township treasurer shall also, on the first Mondays of April and October of each year, make a full settlement with the respective boards of directors in his township, and shall deliver to the clerk of each of said boards, on demand, a statement or exhibit, showing the exact condition of the account of each district, and the amount of funds of every description in his hands, to the credit of and belonging to each district, respectively, and subject to the order of the directors thereof. He shall make out, annually, and present at the meeting of the board of trustees succeeding the annual election, a complete exhibit of the fiscal affairs of the township and of the several districts,

Treasurer's report to trustees.

Exhibit to directors.

Exhibit to trustees.

showing the receipts of moneys, and the sources from which they have been derived, and the deficit and delinquencies, if there be any, and their cause, as well as a classified statement of moneys paid out, and amount of obligations remaining unpaid.

**Treasurer liable for failure.** § 64. For any failure or refusal to perform all the duties required of township treasurer by law, he shall be liable to the board of trustees upon his bond, to be recovered by action of debt by said board, in their corporate name, for the use of the proper township, before any court having jurisdiction of the amount of damages claimed; but if said treasurer,

**Not liable when acting under orders of board.** in any such failure or refusal, acted under and in conformity to a requisition or order of said board, or a majority of them, entered upon their journal and subscribed by their president and clerk, then and in that case the members of the said board, aforesaid, or those of them voting for said requisition or order aforesaid, and not the treasurer, shall be liable, jointly and severally, to the inhabitants of the township, to be recovered by an action of assumpsit, in the official name of the county superintendent of schools, for the use of the proper township.

**Bonds, securities, etc., to be turned over to successor.** § 65. When a township treasurer shall resign, or be removed, and at the expiration of his term of office, he shall pay over to his successor in office all money on hand, and deliver over all books, notes, bonds, mortgages, and all other securities for money, and all papers and documents of every description, in which the corporation may have any interest whatever; and in case of the death of the township treasurer, his securities and legal representatives shall

**Penalty and judgment.** be bound to comply with the requisitions of this section. And for any failure to comply with the requisitions of this section he shall be liable to a penalty of not less than ten nor more than one hundred dollars, at the discretion of the court before which judgment may be obtained; and the obtaining or payment of said judgment shall in nowise discharge or diminish the obligation of his official bond.

#### TOWNSHIP AND COUNTY SCHOOL FUNDS.

**Sale of sixteenth section.** § 66. All bonds, notes, mortgages, moneys and effects, which have heretofore accrued, or may hereafter accrue, from the sale of the sixteenth section of the common school lands of any township or county, or from the sale of any real estate or other property, taken on any judgment or for any debt due to the principal of any township or county fund, and all other funds of every description, which have

**Principal of township fund.** been or may hereafter be carried to and made part of the principal of any township or county fund, by any law which has heretofore been, is now, or may hereafter be enacted, are hereby declared to be and shall forever constitute the principal of the township or county fund, respectively, and no part thereof shall ever be distributed or expended for any purpose whatever, but shall be loaned out, and held to use, rent or profit, as provided by law. But the interest,

rents, issues and profits, arising and accruing from the principal of said township or county fund, shall be distributed in the manner and at the times as provided in this act; nor shall any part of such interest, rents, issues and profits be carried to the principal of the respective funds, except as provided in section sixty-two of this act.

§ 67. School funds collected from special taxes, levied by order of school directors, or from the sale of property belonging to any district, shall be paid out on the order of the proper board of directors; and all other moneys and school funds, liable to distribution, paid into the township treasury, or coming into the hands of the township treasurer, shall, after said funds have been apportioned by the township trustees, as required in section thirty-four of this act, be paid out only on the order of the proper board of directors, signed by the president and clerk of said board, or by a majority of such board. For all payments made, receipts shall be taken and filed. In all such orders shall be stated the purpose for which, or on what account drawn. Said orders may be in the following form, viz :

The treasurer of ..... township No....., range No....., in.....county, Form of order. will pay to....., or bearer..... dollars and.....cents (on his contract for repairing school house, or whatever the purpose may be).

By order of the board of directors of district No....., in said township.

C D, Clerk. A B, President.

Which order, together with the receipt of the person to whom paid, shall be filed in the office of the township treasurer.

#### COMMON SCHOOL FUNDS.

§ 68. \*The common school fund of this state shall consist of the proceeds of a two mill tax, to be levied upon each dollar's valuation of the property in the state annually, until otherwise provided by law; the interest on what is known as the "School Fund" proper, being three per cent. upon the net proceeds of the sales of the public lands in this state, one-sixth part excepted, and the interest on what is known as the "Surplus Revenue," distributed by act of congress, and made a part of the common school fund by act of the legislature, March four, eighteen hundred and thirty-seven.

§ 69. The state shall pay the interest mentioned in the next proceeding section at the rate of six per cent. per annum, annually, to be paid into and become a part of said school fund.

§ 70. \*On the first Monday in January, in each and every year next after taking the census of the state, the auditor of public accounts shall ascertain the number of children in each county in the state, under twenty-one years of age, and shall thereupon make a dividend to each

\*The twenty-third clause of the act to provide for the ordinary and contingent expenses of the State Government, etc., approved May 3d, 1873, provides that, in lieu of the two mill school tax, there shall be appropriated: "The sum of one million dollars, annually, out of the State school fund, to pay the amount of the auditor's orders issued for the distribution of said fund to the several counties. The auditor shall issue his warrant, on the proper evidence that the amount distributed has been paid to the county school superintendents."

county of the sum from the tax levied and collected under the provisions of the sixty-eighth section of this act, and of the interest due on the school fund proper and surplus revenue, in proportion to the number of children in each county under the age aforesaid, and issue his warrant to the superintendent of schools of each county upon the collector thereof. And upon presentation of said warrant by the county superintendent to the collector of his county, said collector or treasurer shall pay over to the county superintendent the amount of said warrant out of the first funds which may be collected by him, and not otherwise appropriated by law, taking said superintendent's receipt therefor.

*State treasurer to receive warrants from collectors.*

The warrants issued by the auditor of public accounts for the school fund tax and for the interest of the school fund proper and surplus revenue, shall be received by the state treasurer in payment of amounts due to the state from county collectors; and on presentation, by the state treasurer, of said warrants to the auditor, he shall issue his warrant to said treasurer on the school fund for the amount of the school fund tax warrants and on the revenue fund for the amount of the warrants for interest on the school fund proper and surplus revenue. Dividends shall be made as aforesaid, according to the proportions ascertained to be due to each county, annually thereafter, until another census shall have been taken, and then dividends shall be made and continued as aforesaid, according to the last census:

*Refusal collector pay.*

*Provided,* that if any collector shall fail or refuse to pay the amount of the aforesaid warrant, or any part thereof, by the first day of March, annually, or so soon thereafter as it may be presented, it shall be competent for the county superintendent to proceed against said collector and his securities in an action of debt, in any court having competent jurisdiction; and the said collector shall pay twelve per centum, to be assessed as damages, upon the amount due, and which shall be included in the judgment obtained against him.

#### COMPENSATION OF OFFICERS.

*Fixed by law*

§ 71. \*Collectors of the two mill tax, authorized under section sixty-eight of this act, shall be entitled to such compensation as is or may be provided by law for the collection of taxes. County superintendents of schools shall hereafter receive, in full for all services performed by them, such compensation as is or may be fixed by law. Said compensation shall be payable quarterly, out of the county treasury, upon the order of the county clerk; and county boards are authorized to make appropriations for the holding of county teachers' institutes.

*Appropriations for institutes.*

Compensation of treasurers.

§ 72. Township treasurers shall receive, in full for their services, a compensation, to be fixed prior to their election, by the board of trustees. Trustees of schools, school directors or other school officers performing like duties, shall be exempted from road labor and from military duty.

## LIABILITIES OF OFFICERS.

§ 73. If any county superintendent, trustee of schools, township treasurer, director, or any other person intrusted with the care, control, management or disposition of any school, college, seminary or township fund for the use of any county, township, district or school, shall convert such funds, or any portion thereof, to his own use, he shall be liable to indictment, and upon conviction shall be fined in not less than double the amount of money converted, and imprisoned in the county jail not less than one or more than twelve months, at the discretion of the court.

§ 74. Trustees of schools shall be liable, jointly and severally, for the sufficiency of securities taken from township treasurers; and in case of judgment against said trustees and their securities, for or on account of any default of such treasurer, on which the money shall not be made for want of sufficient property whereon to levy execution, actions on the case may be maintained against said trustees jointly or severally, and the amount not collected on said judgment shall be recovered with costs: *Provided*, Exception. that if said trustees can show satisfactorily, that the security taken from the treasurer as aforesaid was, at the time of said taking, good and sufficient, they shall not be liable as aforesaid.

§ 75. The real estate of county superintendents, of township treasurers, and all other school officers, and of the securities of each of them, shall be bound for the satisfaction and payment of all claims and demands against said superintendents and treasurers and other officers, as such, from the date of issuing process against them, in actions or suits brought to recover such claims or demands, until satisfaction thereof be obtained; and no sale or alienation of real estate by any superintendent, treasurer or other officer, or Real estate  
of school offi-  
cers bound. security aforesaid, shall defeat the lien created by this section, but all and singular such real estate held, owned or claimed as aforesaid, shall be liable to be sold in satisfaction of any judgment which may be obtained in such actions or suits.

§ 76. Trustees of schools, or either of them, failing or refusing to make returns of children in their township, according to the provisions of this act, or if either of them shall knowingly make a false return, the party so offending shall be liable to a penalty of not less than ten dollars, nor more than one hundred dollars, to be recovered by action of assumpsit, before any justice of the peace of the county; which penalty, when collected, shall be added to the township fund; and if any county superintendent, director or trustee, or either of them, or other officer whose duty it is, Failure of  
trustees to  
make returns. shall negligently or willfully fail or refuse to make, furnish or communicate the statistics and information, or shall fail to discharge the duties enjoined upon them, or either of them, at the time and in the manner required by the provisions of

Fine of twen-  
ty-five dollars.

this act, such delinquent or party offending shall be liable to a fine of twenty-five dollars, to be recovered before any justice of the peace, on information in the name of the People of the State of Illinois, and when collected to be paid to the county superintendent of the proper county, for the use of

**County superintendent may remove director.** schools; and any director failing to perform his duties as director, under this act, may be removed by the county superintendent, and a new election ordered, as in other cases of vacancy.

**Officers responsible for loss of funds.** § 77. County superintendents, trustees of schools, directors and township treasurers, or either of them, and any other officer having charge of school funds or property, shall be responsible for all losses sustained by any county, township or school fund, by reason of any failure on his or their part to perform the duties required of him or them by this act, or by any rule or regulation authorized to be made by this act; and each and every one of the officers aforesaid shall be liable for any such loss sustained as aforesaid, and the amount thereof may be recovered in a civil action before any court having jurisdiction thereof, at the suit of the state of Illinois, for the use of the county, township or fund injured; and the amount when collected, shall be paid to the proper officer, for the benefit of said county, township or fund injured. No county, city, town, township, school district or other public corporation, shall ever

**Perversion of funds to sectarian purposes forbidden.** make any appropriation or pay from any school fund whatever, anything in aid of any church or sectarian purpose, or to help support or sustain any school, academy, seminary, college, university or other literary or scientific institution controlled by any church or sectarian denomination whatever; nor shall any grant or donation of money or other personal property ever be made by any such corporation to any church, or for any sectarian purpose; and any officer or other person, having under his charge or direction school funds or property, who shall pervert the same in the manner forbidden in this section, shall be liable to indictment, and upon conviction shall be fined in a sum not less than double the value of the property so perverted, and imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court. No teacher,

**Interest in school books etc.** state, county, township or district school officer shall be interested in the sale, proceeds or profits of any book, apparatus or furniture used or to be used in any school in this state with which such officer or teacher may be connected, and for offending against the provisions of this section shall be liable to indictment, and upon conviction shall be fined in a sum not less than twenty-five nor more than five hundred dollars and may be imprisoned in the county jail not less than one nor more than twelve months, at the discretion of the court.

**Penalties.**

COSTS, TENURE OF OFFICERS AND CONTRACTS UNDER  
FORMER LAWS.

§ 78. No justice of the peace, probate justice, constable, clerk of any court, or sheriff, shall charge any costs in any suit where any agent of any school fund, suing for the recovery of the same, or any interest due thereon, is plaintiff, and shall be unsuccessful in such suit.

OF CITIES AND INCORPORATED TOWNS.

§ 79. This act shall not be so construed as to repeal or change, in any respect, any special acts in relation to schools in cities having less than one hundred thousand inhabitants, or incorporated towns, townships or districts, except that it shall be the duty of the several boards of education or other officers of any city or incorporated town, township or district, having in charge schools under the provisions of any of the said special acts, or of any ordinance of any city or incorporated town, on or before the second Monday of October preceding each regular session of the general assembly of this state, or annually, if required so to do by the state superintendent, to make out and render a statement of all such statistics and other information in regard to schools, and the enumeration of persons, as [is] required to be communicated by township boards of trustees or directors under the provisions of this act, or so much thereof as may be applicable to said city or incorporated town, to the county superintendent of the county where such city or incorporated town is situated, or of the county in which the larger part of such city or town is situated; nor shall it be lawful for the county superintendent, or any other officer or person, to pay over any portion of the common school fund to any local treasurer, school agent, clerk, board of education or other officer or person of any township, city or incorporated town, unless a report of the number of persons, and other statistics relative to schools, and a statement of such other information as is required of the boards of trustees or directors, as aforesaid, and of other school officers and teachers, under the provisions of this act, shall have been filed at the time or times aforesaid, specified in this section, with the superintendent of schools of the proper county, as aforesaid. It shall also be the duty of the president, principal or other proper officer of every organized university, college, seminary, academy, or other literary institution, heretofore incorporated or hereafter to be incorporated in this state, to make out or cause to be made out and forwarded to the office of the superintendent of public instruction, on or before the first Monday in November, in each year, a report setting forth the amount and estimated value of real estate owned by the corporation, the amount of other funds and endowments, and the yearly income from all sources, the number of instructors, the number of students in the different classes, the studies pursued and

Costs not to be charged.

Special acts not repealed.

Reports.

Funds to be withheld.

Institutional learning.

the books used, the course of instruction, the terms of tuition, and such other matters as may be specially requested by said superintendent, or as may be deemed proper by the president or principal of such institutions, to enable the superintendent of public instruction to lay before the legislature a fair and full exhibit of the affairs and conditions of said institutions, and of the educational resources of the state.

**Cities and villages.** § 80. Incorporated cities and villages, except such as now have charge and control of free schools by special acts, shall be and remain parts of the school townships in which they are respectively situated, and be subject to the general provisions of the school law, except as otherwise provided in this section. In all school districts having a population of not less than two thousand inhabitants, and not governed by any special act in relation to free schools now in force, there shall be elected, instead of the directors provided by law in other districts, a board of education, to consist of six members and three additional members for every additional ten thousand inhabitants, to be elected in the manner provided by section forty-two of this act for the election of school directors. At the first election of directors succeeding the passage of this act, in any district having a population of not less than two thousand inhabitants by the census of eighteen hundred and seventy, and in such other districts as may hereafter be ascertained by any special or general census to have a population of not less than two thousand inhabitants, at the first election of directors occurring after taking such special or general census, there shall be elected a board of education, who shall be the successors of the directors of the district; and all rights of property and rights and causes of action existing or vested in such directors shall vest in said board of education in as full and complete a manner as was vested in the school directors. Such board, at its first meeting, shall fix by lot the terms of office of its members, so that one-third shall serve for one year, one-third for two years, and one-third for three years; and thereafter one-third of the members shall be elected annually, on the first Saturday in April, to fill the vacancies occurring, and to serve for the term of three years. Such board shall have power, and it shall be their duty, in addition to or inclusive of the powers and duties of school directors :

*First*—To establish and support free schools not less than six nor more than ten months in each year.

*Second*—To repair and improve school houses, and furnish them with the necessary fixtures, furniture, apparatus, libraries and fuel.

*Third*—To buy or lease sites for school houses, with the necessary grounds.

*Fourth*—To establish schools of different grades, and make regulations for the admission of pupils into the same.

**Boards of education.**

**Term of office.**

**Powers and duties.**

*Fifth*—To levy a tax annually upon the taxable property of the district, in the manner provided by section forty-four of this act, for the purpose of supporting and maintaining free schools in accordance with the powers herein conferred: *Provided*, that it shall not be lawful for such board of education to purchase or locate a school house site, to purchase, build or move a school house, or levy a tax to extend schools beyond the period of ten months in each year, except upon petition of a majority of the voters of the district.

*Sixth*—To examine and employ teachers, and fix the amount of their salaries.

*Seventh*—To employ, should they deem it expedient, a competent and discreet person or persons as superintendent or superintendents of schools, and fix and pay a proper salary or salaries therefor; and such superintendent may be required to act as principal or teacher in such schools.

*Eighth*—To lay off and divide the district into sub-districts, and from time to time to alter the same, create new ones and consolidate them.

*Ninth*—To visit all the public schools as often as once a month, to inquire into the progress of scholars, and the government of the schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever, in their opinion, he or she is not qualified to teach, or whenever from any cause the interests of the schools may, in their opinion, require such removal or dismission. They shall have power to apportion the scholars to the several schools. It shall be the duty of the board of education to establish

Discipline.

all such by-laws, rules and regulations for the government, and for the establishment and maintenance of a proper and uniform system of discipline in the several schools, as may, in their opinion, be necessary. It shall be the duty of said board to take charge of the school houses, furniture, ground, and other property belonging to the district, and see that the same are kept in good condition, and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel, and such other necessaries for the schools as, in their opinion, may be required in the school houses or other property belonging to the district. The said board shall appoint a president (who shall be one of their own number) and a secretary, and provide themselves with a well bound book, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken, and entered on the records of the proceedings of the board, upon all questions involving the expenditure of money. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular or special meeting of the board. The board of education shall annually prepare and publish

Yea and nays

**Report to be published.** in some newspaper, or in pamphlet form, a report of the number of pupils instructed in the year preceding, the several branches of education pursued by them, of the number of persons between the ages of twelve and twenty-one unable to read and write, and the receipts and expenditures of each school, specifying the source of such receipts and the objects of such expenditures. All conveyances of real estate shall be made to the township trustees, in trust for the use of schools, and no conveyance of any real estate or interest therein, used for school purposes or held in trust for schools, shall be made except by the board of trustees, upon the written request of such board of education. All

**Township treasurer to have charge of funds.** moneys raised by taxation for school purposes or received from the state common school fund, or from any other source, for school purposes, shall be held by the township treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants signed

**Special school acts may be relinquished.** by the president and secretary thereof. Any city, incorporated town, township or district in which the free schools are now managed under any special act, may, by vote of its electors, cease to control such schools under such special act, and become a part of the school township in which it is situated, and subject to the control of the trustees thereof, under and according to the provisions of this act. Upon petition of fifty voters of such city, town, township or district, presented to the board having the control and management of schools in such city, town, township or district, it shall be the duty of such board, at the next ensuing election to be held in such city, town, township or district, to cause to be submitted to the voters thereof, giving not less than fifteen days' notice thereof by posting not less than five notices in the most public places in such city, town, township or district, the question of "Organization under the

**Organization under this act.** Free School Law;" and if it shall appear, on a canvass of the returns of said election, that a majority of the votes cast at such election are "For Organization under the Free School Law," then at the next ensuing regular meeting of the board of trustees of the township or townships in which such city, incorporated town, township or district is situated, said trustees shall proceed to redistrict the township or townships as aforesaid, in such manner as shall suit the wishes and convenience of a majority of the inhabitants in their respective townships, and to make division of funds and other property in the manner provided by section thirty-three of this act; and at the next ensuing election of director, directors or a board of education, as the case may be, shall be elected in each of the new districts so formed, as provided in section forty-two of this act.

**Cities of 100,000.** In cities having a population exceeding one hundred thousand inhabitants, the board of education shall have charge and control of the public schools in such cities, and shall have power, with the concurrence of the city council—

*First*—To erect or purchase buildings suitable for school houses, and keep the same in repair.

*Second*—To buy or lease sites for school houses, with the necessary grounds.

*Third*—To issue bonds for the purpose of building, furnishing and repairing school houses, for purchasing sites for the same, and to provide for the payment of said bonds; to borrow money for school purposes upon the credit of the city.

The board of education shall have power—

*First*—To furnish schools with the necessary fixtures, <sup>Powers of the</sup> furniture and apparatus. <sub>board.</sub>

*Second*—To maintain support and establish schools, and supply the inadequacy of the school funds, for the salaries of school teachers, from school taxes.

*Third*—To hire buildings or rooms for the use of the board.

*Fourth*—To hire buildings or rooms for the use of schools.

*Fifth*—To employ teachers, and fix the amount of their compensation.

*Sixth*—To prescribe the school books to be used, and the studies in the different schools.

*Seventh*—To lay off and divide the city into school districts, and from time to time to alter the same and create new ones, as circumstances may require, and generally to have and possess all the rights, powers and authority required for the proper management of schools, with power to enact such ordinances as may be necessary or deemed expedient for such purpose. Schools in such cities shall be governed as hereinafter stated, and no power given to the board shall be exercised by the city council. The board of education shall have the entire superintendence and control of the schools, and it shall be their duty to examine all persons offering themselves as candidates for teachers, and when found well qualified, to give them certificates thereof gratuitously; to visit all the public schools as often as once a month; to inquire into the progress of scholars, and the government of the schools; to prescribe the method and course of discipline and instruction in the respective schools, and to see that they are maintained and pursued in the proper manner; to prescribe what studies shall be taught, what books and apparatus shall be used. They shall have power to expel any pupil who may be guilty of gross disobedience or misconduct, and to dismiss and remove any teacher, whenever in their opinion he or she is not qualified to teach, or whenever from any cause the interests of the schools may, in their opinion, require such removal or dismission. They shall have power to apportion the scholars to the several schools. It shall be their duty to establish all such by-laws, rules and regulations for the government and for the establishment and maintenance of a proper and uniform system of discipline in the several schools as may, in their opinion, be necessary. They shall determine from time to time how many and what class of teachers may be employed in each of the public schools, and employ such teachers and fix their compensation. It shall be the duty

of the said board to take charge of the school houses, furniture, ground and other property belonging to the school districts, and see that the same are kept in good condition and not suffered to be unnecessarily injured or deteriorated, and also to provide fuel and such other necessaries for the schools as in their opinion may be required in the school houses or other property belonging to said districts. The said board shall appoint a president and secretary, the president to be appointed from their own number, and shall appoint such other officers and employees as such board shall deem necessary, and shall prescribe their duties and compensation and terms of office; and the said board shall provide well bound books, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. The yeas and nays shall be taken, and entered on the records of the proceedings of the board, upon all questions involving the expenditure of money. None of the powers herein conferred upon the board of education shall be exercised by them except at a regular meeting of the board. It shall be the duty of the board to report to the city council, from time to time, any suggestions that they deem expedient or requisite in relation to the schools and the school fund, or the management thereof, and generally to recommend the establishment of such schools and districts. The board of education shall prepare and publish

**Report.** an annual report, which shall include the receipts and expenditures of each school, specifying the source of such receipts, and the object of such expenditures. They shall also communicate to the city council, from time to time, such information within their possession as may be required. They shall have power to lease school property and to loan

**Conveyances.** moneys belonging to the school fund; but all conveyances of real estate shall be made to the city in trust for the use of schools, and no sale of real estate or interest therein used for school purposes or held in trust for schools, shall be made except by the city council, upon the written request of such board of education. All moneys raised by taxation for school purposes, or received from the state common school fund, or

**City treasurer to hold funds.** from any other source for school purposes, shall be held by the city treasurer as a special fund for school purposes, subject to the order of the board of education, upon warrants to be countersigned by the mayor and city clerk; but said board of education shall not add to the expenditures for school purposes anything over and above the amount that shall be received from the state common school fund, the rental of school lands, and the amount annually appropriated for such purposes. If said board shall so add to such

**City not liable for excess of expenditures.** expenditure, the city shall not, in any case, be liable therefor. From and after the time this act shall take effect, the board of education in such cities shall consist of fifteen

**Appointment of board.** members, to be appointed by the mayor by and with the advice and consent of the common council, five of whom shall be appointed for the term of one year, five for the term of two years, and five for the term of three years; and

at the expiration of the term of any members of said board, their successors shall be appointed in like manner. Any vacancy which may occur shall be filled by the appointment of the mayor, with the approval of the common council, for the unexpired term. Any person having resided in such city more than five years next preceding his appointment, shall be eligible to said office. Nothing herein shall be so construed as to authorize any board of education to levy or collect taxes, or to require the city council to levy and collect any tax upon the demand or under the direction of such board of education.

*Not authorized to tax.*

#### COMMON SCHOOL LANDS.

§ 81. Section number sixteen in every township granted to the state by the United States for the use of schools, and such sections and part of sections as have been or may be granted, as aforesaid, in lieu of all or part of section number sixteen, and also the lands which have been or may be selected and granted as aforesaid, for the use of schools, to the inhabitants of fractional townships in which there is no section number sixteen, or where such section shall not contain the proper proportion for the use of schools in such fractional townships shall be held as common school lands; and the provisions of this act referring to common school lands shall be deemed to apply to the lands aforesaid.

*Section sixteen.*

§ 82. All the business of such townships, so far as relates to common school lands, shall be transacted in that county which contains all or a greater portion of said lands. If any person shall, without being duly authorized, cut, fell, box, bore, destroy or carry away any tree, sapling or log, standing or being upon any school lands, such person shall forfeit and pay for every tree, sapling or log so felled, boxed, bored, destroyed or carried away, the sum of eight dollars; which penalty shall be recovered, with costs of suit, by an action of debt or assumpsit, before any justice of the peace having jurisdiction of the amount claimed, or in the county or circuit court, either in the corporate name of the board of trustees of the township to which the land belongs, or by action of *qui tam*, in the name of any person who will first sue *Penalty.* for the same—one-half for the use of the person suing, the other half to the use of the township aforesaid. When two or more persons shall be concerned in the same trespass, they shall be jointly and severally liable for the penalty herein imposed. Every trespasser upon common school lands shall be liable to indictment, and, upon conviction, fined in three times the amount of the injury occasioned by said trespass, and shall stand committed as in other cases of misdemeanor. All penalties and fines collected under the provisions of this section shall be paid to the township treasurer, and be added to the principal of the township fund. And all other fines, penalties and forfeitures imposed or incurred in any of the courts of record, or before any justice of the peace of this state, except fines, forfeitures and *Fines and forfeitures.*

penalties incurred or imposed in incorporated towns or cities, for the violation of the by-laws or ordinances thereof, shall, when collected, be paid to the school superintendent of the county wherein such fines, forfeitures and penalties have been imposed or incurred, who shall give his receipt therefor; and the same shall be distributed by said superintendent, annually, in the same manner as the common school funds of the state are distributed; and it shall

**Duty of state's attorneys.** be the duty of the state's attorneys of the several judicial circuits to enforce the collection of all fines, forfeitures and penalties imposed or incurred in the courts of record in their several circuits, and to pay the same over to the school superintendents of the counties wherein the same have been imposed or incurred, retaining therefrom the fees and commissions allowed them by law; and it shall be the duty of the said justices of the peace to enforce the collection of all fines imposed by them, by any lawful means; and when collected, the same shall be paid by the officer charged with the collection thereof to the school superintendent of the county in which the same was imposed.

**Report.** Clerks of said courts of record, state's attorneys and justices of the peace, shall report, under oath, to the school superintendent of their respective counties, by the first of March, annually, the amount of such fines, penalties and forfeitures imposed or incurred in their respective courts, and the amount of such fines, forfeitures and penalties collected by them, giving each item separately, and the officer charged with the collection thereof; and said clerks, state's attorneys, and justices of the peace, for a failure to make such report, shall be liable to a fine of twenty-five dollars for each offense, to be recovered in a civil action at the suit

**Failure to pay.** of the school superintendent of the proper county. For a failure to pay any such fines, forfeitures or penalties, on demand, to the person who is by law authorized to receive the same, the officer having collected the same, or having the same in his possession, shall forfeit and pay double the amount of such fine, penalty or forfeiture, as aforesaid, to be recovered before any court having jurisdiction thereof, in a *qui tam* action—one-half to be paid to the informer and one-half to the school fund of the proper county.

#### SALE OF COMMON SCHOOL LANDS.

**Petition for sale.** § 83. When the inhabitants of any township, or fractional township, shall desire the sale of the common school lands of the township, or fractional township, they shall present a petition to the county superintendent of the county in which the school lands of the township, or the greater part thereof, lie, for the sale thereof; which petition shall be signed by at least two-thirds of the legal voters of the township, or fractional township, of and over twenty-one years of age. The signing of the petition must be in the presence of two citizens of the township, after the true meaning thereof shall have been explained; and when signed, an affidavit shall be affixed thereto by the two citi-

zens proving the signing, in the manner aforesaid, and stating the number of inhabitants in the township, or fractional township, of and over twenty-one years of age; and said petition, so proved, shall be delivered to the county superintendent for his action thereon: *Provided*, that no whole section shall be sold in any township containing less than two hundred inhabitants; and common school lands in fractional townships may be sold when the number of inhabitants and number of acres are in the ratio of two hundred to six hundred and forty, but not before.

§ 84. Any fractional township not having the requisite number of inhabitants to petition for the sale of the school lands therein, as provided in section eighty-three, which has not heretofore been united with any other township for school purposes, and which does not contain a sufficient number of inhabitants to maintain a free school, is hereby attached to the adjacent congressional township having the longest territorial line bordering on such fractional township, for school purposes; and all the provisions of this act shall apply to such united townships the same as though they were one and the same township.

§ 85. When the petition and affidavits are delivered to the county superintendent as aforesaid, he shall notify the trustees of said township thereof, and said trustees shall immediately proceed to divide the land into tracts or lots, of such form and quantity as will produce the largest amount of money. After making such division, a correct plat of the same shall be made, representing all divisions, with each lot numbered and defined, so that its boundaries may be forever ascertained. Said trustees shall then fix a value on each lot, having regard to the terms of sale, certify to the correctness of the plat, stating the value of each lot per acre, or per lot, if less than one acre, and referring to and describing the lot in the certificate, so as fully and clearly to distinguish and identify each lot; which plats and certificates shall be delivered to the county superintendent, and shall govern him in advertising and selling said lands.

§ 86. In subdividing common school lands for sale, no lot shall contain more than eighty acres, and the division may be made into town or village lots, with roads, streets or alleys between them and through the same; and all such divisions, with all similar divisions hereafter made, are hereby declared legal, and all such roads, streets and alleys public highways.

§ 87. The terms of selling common school lands shall be to the highest bidder, for cash, with the privilege to each purchaser of borrowing from the county superintendent the amount of his bid, for any period not less than one nor more than five years, upon his paying interest and giving security, as in case of money loaned by township treasurer, as provided in this act.

§ 88. The place of selling common school lands shall be at the court house of the county in which the lands are situated; or the trustees of schools may direct the sale to

Fractional  
townships.

Trustees to  
divide land in-  
to lots.

Roads and  
streets.

Bid borrowed.

Place of sale.

## Notices.

be made on the premises; and upon the reception by the county superintendent of the plat and certificate of valuation from the trustees, he shall proceed to advertise the said land for sale in lots, as divided and laid off by said trustees, by posting notices thereof in at least six public places in the county, forty days next anterior to the day of sale, describing the land and stating the time, terms and place of sale; and if any newspaper is published in said county, said advertisement shall be printed therein, for four weeks before the day of sale; if none, then it shall be sold under the notice aforesaid.

**Manner of sale.** § 89. Upon the day appointed, the county superintendent shall proceed to make sales as follows, viz: He shall begin at the lowest number of lots, and proceed regularly to the highest, till all are sold or offered. No lot shall be sold for less than its valuation by the trustees. Sale shall be made between the hours of ten o'clock A. M. and six o'clock P. M., and may continue from day to day. The lots shall be cried separately, and each lot cried long enough to enable any one present to bid who desires it.

**Payment.** § 90. Upon closing the sales each day, the purchasers shall each pay or secure the payment of the purchase money, according to the terms of sale; or in case of his failure to do so by ten o'clock the succeeding day, the lot purchased shall be again offered at public sale, on the same terms as before, and if the valuation or more shall be bid, shall be stricken off; but if the valuation be not bid, the lot shall be

**May be re-sold.** set down as not sold. If the sale is or is not made, the former purchaser shall be required to pay the difference between his bid and the valuation of the lot; and in case of his failing to make such payment, the county superintendent may forthwith institute an action of debt or *assumpsit*, in his name, as superintendent, for the use of the inhabitants of the township where the land lies, for the required sum; and upon making proof, shall be entitled to judgment, with costs of suit; which, when collected, shall be added to the principal of the township fund. And if the amount claimed does not exceed one hundred dollars, the suit may be instituted before a justice of the peace; but if more than that sum, then in the circuit court of any county wherein the party may be found.

**Lands may be re-sold.** § 91. All lands [not] sold at public sale, as herein provided for, shall be subject to sale at any time thereafter, at the valuation; and county superintendents are authorized and required, when in their power, to sell all such lands at private sale, upon the terms at which they are offered at public sale.

**Unsold lands to be re-valued.** § 92. In all cases where common school lands have been heretofore valued, and have remained unsold for two years, after having been offered for sale, or shall hereafter remain unsold for that length of time, after being valued and offered for sale in conformity to this act, the trustees of schools where such lands are situated may vacate the valuation thereof, by an order to be entered in book A, of

the county superintendent, and cause a new valuation to be made, if, in their opinion, the interests of the township will be promoted thereby. They shall make said second valuation in the same manner as the first was made, and shall deliver to the county superintendent a plat of such second valuation, with the order of vacation to be entered as aforesaid; whereupon said county superintendent shall proceed in selling said lands in all respects as if no former valuation had been made: *Provided*, that the second valuation may be made by the trustees of schools, without petition, as provided in this act.

§ 93. Upon the completion of every sale by the purchaser, the county superintendent shall enter the same on book B, and shall deliver to the purchaser a certificate of purchase, stating therein the name and residence of the purchaser, describing the land and the price paid therefor; which certificate shall be evidence of the facts therein stated.

§ 94. At the first regular term of the county board, in each year, the county superintendent shall present to the county board of his county:

*First*—A statement showing the sales of school lands made subsequent to the first regular term of the previous year, which shall be a true copy of the sale book (book B).

*Second*—Statements of the amount of money received, paid, loaned out and in hand, belonging to each township or fund under his control—the statement of each fund to be separate.

*Third*—Statements copied from his loan book (book C), showing all the facts in regard to loans which are required to be stated on the loan book.

All of which the county board shall thereupon examine and compare with the vouchers. And the said county board or so many of them as may be present at the term of the court, shall be liable, individually, to the fund injured, and to the securities of said county superintendent, in case judgment be recovered of said securities, for all damages occasioned by a neglect of the duties, or any of them, required of them by this section: *Provided*, nothing herein contained shall be construed to exempt the securities of said county superintendent from any liability as such securities, but they shall still be liable to the fund injured, the same as if the county superintendents were not liable.

Duties of the county board.

Securities not exempt.

§ 95. The county superintendents shall, also, at the time aforesaid, transmit to the auditor of public accounts a full and exact transcript, from book B, of all the sales made subsequent to each report. The statement required to be presented to the county board shall be preserved and copied by the clerk of said court into a well-bound book, kept for that purpose; and the list transmitted to the auditor shall be filed, copied and preserved in like manner.

Transcript sent to auditor

§ 96. Every purchaser of common school land shall be entitled to a patent from the state, conveying and assuring the title. Patents shall be made out by the auditor, from returns made to him by the county superintendent. They

Patents,

shall contain a description of the land granted, and shall be in the name of and signed by the governor, countersigned by the auditor, with the great seal of the state affixed thereto by the secretary of state, and shall operate to vest in the purchaser a perfect title in fee simple. When patents are executed as herein required, the auditor shall note on the list of sales the date of each patent, in such manner as to perpetuate the evidence of its date and delivery, and thereupon transmit the same to the county superintendent of the

**Certificate to  
be filed.** proper county, to be by him delivered to the patentee, his heirs or assigns, upon the return of the original certificate of purchase ; which certificate, when returned, shall be filed and preserved by the county superintendent ; and all such patents, heretofore or hereafter so issued by the state for school lands, or duly certified copies thereof from any record legally made, shall, after the lapse of ten years from the

**Evidence of  
sale.** date of such patent, and such sale having been acquiesced in for ten years by the inhabitants of the township in which the land so conveyed may be situated, be conclusive evidence as to the legality of the sale, and that the title to such land was, at the date of the patent, legally vested in the patentee.

**Duplicates  
of certificates  
or patents.** § 97. Purchasers of common school lands, and their heirs and assignees, may obtain duplicate copies of their certificates of purchase and of patents, upon filing affidavit with the county superintendent in respect to certificates, and with the auditor in respect to patents, proving the loss or destruction of the originals; and such copies shall have all the force and effect of the originals.

**Acts repealed.** § 98. "An act to establish and maintain a system of free schools," approved February 16, 1857; "An act to establish and maintain a system of free schools," approved February 22, 1861; "An act to establish and maintain a system of free schools in the state of Illinois," approved February 16, 1865; An act to amend an act entitled 'an act to establish and maintain a system of free schools in the state of Illinois,' approved February 16, 1865," approved February 28, 1867: "An act to amend the school law," approved March 30, 1869; "An act relating to assessments and taxation in school districts," approved March 29, 1869; "An act concerning reports of school officers and of incorporated institutions of learning," approved March 29, 1869; and all other acts and parts of acts inconsistent with this act, and all general school laws of this state, are hereby repealed.

APPROVED April 1, 1872.

## APPENDIX.

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### STATE NORMAL UNIVERSITIES.

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AN ACT for the establishment and maintenance of a Normal University.

In force Feb.  
18, 1850.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That C. B. Denio, of Jo Daviess county, Simeon Wright, of Lee county, Daniel Wilkins, of McLean county, C. E. Hovey, of Peoria county, George P. Rex, of Pike county, Samuel W. Moulton, of Shelby county, John Gillespie, of Jasper county, George Bunsen, of St. Clair county, Wesley Sloan, of Pope county, Ninian W. Edwards, of Sangamon county, John Eden, of Moultrie county, Flavel Mosely, of Cook county, William H. Wells, of Cook county, Albert R. Shannon, of White county, and the superintendent of public instruction, *ex-officio*, with their associates, who shall be elected as herein provided, and their successors, are hereby created a body corporate and politic, to be styled "The Board of Education of the State of Illinois," and by that name and style shall have perpetual succession, and have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to acquire, hold and convey real and personal property; to have and use a common seal, and to alter the same at pleasure; to make and establish by-laws, and alter or repeal the same as they shall deem necessary for the government of the normal university hereby authorized to be established, or any of its departments, officers, students or employees, not in conflict with the constitution and laws of this State, or of the United States; and to have and exercise all powers, and be subject to all duties usual and incident to trustees of corporations.

§ 2. The superintendent of public instruction, by virtue of his office, shall be a member and secretary of said board, and shall report to the legislature at its regular sessions the condition and expenditures of said normal university, and communicate such further information as the said board of education or the legislature may direct.

Superintend't

**Members not to receive compensation.** § 3. No member of the board of education shall receive any compensation for attendance on the meetings of the board, except his necessary traveling expenses, which shall be paid in the same manner as the instructors employed in the said normal university shall be paid. At all the stated and other meetings of the board, called by the president or secretary, or any five members of the board, five members shall constitute a quorum, provided all shall have been duly notified.

**Object of university.** § 4. The objects of the said Normal University shall be to qualify teachers for the common schools of this state, by imparting instruction in the art of teaching, and all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology, in the fundamental laws of the United States and the state of Illinois, in regard to the rights and duties of citizens, and such other studies as the board of education may, from time to time, prescribe.

**Time of meeting of board of education.** § 5. The board of education shall hold its first meeting at the office of the superintendent of public instruction, on the first Tuesday in May next, at which meeting they shall appoint an agent, fixing his compensation, who shall visit the cities, villages and other places in the state which may be deemed eligible for the purpose, to receive donations and proposals for the establishment and maintenance of the Normal University. The board shall have power, and it shall be their duty, to fix the permanent location of said Normal University at the place where the most favorable inducements are offered for that purpose: *Provided*, that such location shall not be difficult of access, or detrimental to the welfare and prosperity of said normal university.

**Appoint principal and lecturer.** § 6. The board of education shall appoint a principal, lecturer on scientific subjects, instructors and instructresses, together with such officers as shall be required in the said normal university, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge, which may be duly presented, and reasonable opportunity for defense. They shall also prescribe the text-books, apparatus and furniture to be used in the university, and provide the same; and shall make all regulations necessary for its management. And the board shall have the power to recognize auxiliary institutions

**Provide auxiliary.** when deemed practicable: *Provided*, that such auxiliary institutions shall not receive an appropriation from the treasury, or the seminary or university fund.

**Each county entitled to gratuitous instruction for pupils.** § 7. Each county within the state shall be entitled to gratuitous instruction for one pupil in said normal university; and each representative district shall be entitled to gratuitous instruction for a number of pupils equal to the number of representatives in said district, to be chosen in the following manner: The county superintendent in each county shall receive and register the names of all applicants

for admission in said normal university, and shall present Application of pupils. the same to the county court, or, in counties acting under township organization, to the board of supervisors, as the case may be; shall, together with the county superintendent, examine all applicants so presented in such a manner as the board of education may direct, and from the number of such as shall be found to possess the requisite qualifications, such pupils shall be selected by lot; and in representative districts composed of more than one county, the Selected by lot. county superintendent and county judge, or the county superintendent and chairman of the board of supervisors, in counties acting under township organization, as the case may be, of the several counties composing such representative district, shall meet at the clerk's office of the county court of the oldest county, and from the applicants so presented to the county court or board of supervisors of the several counties represented, and found to possess the requisite qualifications, shall select by lot the number of pupils to which said district is entitled. The board of education shall have the discretionary power, if any candidate does not sign and file with the secretary of the board a declaration that he or she will teach in the public schools within the state, in case that engagements can be secured by reasonable efforts, to require such candidate to provide for the payment of such fees for tuition as the board may prescribe.

§ 8. The interest of the university and seminary fund, Appropriation. or such part thereof as may be found necessary, shall be and is hereby appropriated for the maintenance of said normal university, and shall be paid on the order of the board of education from the treasury of the state; but in no case shall any part of the interest of said fund be applied to the purchase of sites, or for buildings for said university.

§ 9. The board shall have power to appropriate the one thousand dollars received from the Messrs. Merriam, of Springfield, Massachusetts, by the late superintendent, to the purchase of apparatus for the use of the normal university, when established; and hereafter, all gifts, grants and demises which may be made to the said normal university shall be applied in accordance with the wishes of the donors of the same.

§ 10. The board of corporators herein named, and their Term of office. successors, shall each of them hold their office for the term of six years: *Provided*, that at the first meeting of said board, the said corporators shall determine, by lot, so that one-third shall hold their office for two years, one-third for four years, and one-third for six years. The governor, by and with the advice and consent of the senate, shall fill all Vacancies: how filled. vacancies which shall at any time occur in said board, by appointment of suitable persons to fill the same.

§ 11. At the first meeting of the board, and at each Elect presi- biennial meeting thereafter, it shall be the duty of said dent. board to elect one of their number president, who shall

serve until the next biennial meeting of the board, and until his successor is elected.

**Appointment of treasurer.** § 12. At each biennial meeting it shall be the duty of the board to appoint a treasurer, who shall not be a member of the board, and who shall give bond, with such security as the board may direct, conditioned for the faithful discharge of the duties [of] his office.

§ 13. This act shall take effect on and after its passage, and be published and distributed as an appendix to the school law.

APPROVED February 18, 1857.

## SOUTHERN ILLINOIS NORMAL UNIVERSITY.

AN ACT to establish and maintain the Southern Illinois Normal University.

**SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a body politic and corporate is hereby created by the name of the Southern Illinois Normal University, to have perpetual succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded, to receive, by any legal mode of transfer or conveyance, property of any description, and to have, hold and enjoy the same, with the rents and profits thereof, and to sell and convey the same; also, to make and use a corporate seal, with power to break or change the same, and to adopt by-laws, rules and regulations for the government of its members, officers, agents and employees: *Provided*, such by-laws shall not conflict with the constitution of the United States or of this state.

**Objects.** § 2. The objects of the said Southern Illinois Normal University shall be to qualify teachers for the common schools of this state by imparting instruction in the art of teaching in all branches of study which pertain to a common school education, in the elements of the natural sciences, including agricultural chemistry, animal and vegetable physiology, in the fundamental laws of the United States, and of the State of Illinois, in regard to the rights and duties of citizens, and such other studies as the board of education may, from time to time, prescribe.

§ 3. The powers of the said corporation shall be vested in and its duties performed by a board of trustees, not exceeding five in number, to be appointed as hereinafter provided.

§ 4. Upon the passage of this act the governor shall nominate and, by and with the advice of the senate, appoint five citizens of the state as trustees of said institution, two of whom shall serve for two years, and three for four years, and until their successors are appointed and enter on duty, and successors in each class shall be appointed in like manner for four years: *Provided*, That in case of a vacancy by death or otherwise, the governor shall appoint a successor for the remainder of the term vacated: *Provided*, That not more than two members of said board shall be residents of any one county.

§ 5. The said trustees shall hold their first meeting at Centralia, within one month after the passage of this act, at which meeting they shall elect one of their body as president and another as secretary; and cause a regular record to be made and kept of all their proceedings. The said board shall also, whenever his services shall be required, appoint a treasurer not a member of the board, who shall give bonds to the people of the state of Illinois in double the amount of the largest sum likely to come into his hands, the penalty to be fixed by the board, conditioned for the faithful discharge of his duties as treasurer, with two or more securities; the treasurer may also be required to execute bonds from time to time as the board may direct.

§ 6. The treasurer shall keep an accurate account of all moneys received and paid out; the account for articles and supplies of every kind purchased shall be kept and reported, so as to show the kind, quantity and cost thereof.

§ 7. No member, officer, agent or employee of the board shall be a party to or interested in any contract for materials, supplies or services other than such as pertain to their positions and duties.

§ 8. Accounts of this institution shall be stated and settled annually with the auditor of public accounts, or with such person or persons as may be designated by law for that purpose. And the trustees shall, ten days previous to each regular session of the general assembly, submit to the governor a report of all their actions and proceedings in the execution of their trust, with a statement of all accounts connected therewith, to be by the governor laid before the general assembly.

§ 9. The said board shall meet quarterly at such places or place as may be agreed on, and, until the buildings are completed, as much oftener as may be necessary; and thereafter the meetings shall be at the university.

§ 10. The trustees shall, as soon as practicable, advertise for proposals from localities desiring to secure the location of said normal university, and shall receive, for not less than three months from the date of their first advertisement, proposals from points situated as hereinafter

*Powers vested  
in trustees.*

*Appointment  
of trustees.*

*Appointment  
of treasurer.*

*Duties  
of treasurer.*

*Contracts.*

*Reports.*

*Meet quar-  
terly.*

*Location.*

Limits.

mentioned, to donate lands, buildings, bonds, moneys, or other valuable consideration, to the state in aid of the foundation and support of said university; and shall, at a time previously fixed by advertisement, open and examine such proposals, and locate the institution at such point as shall, all things considered, offer the most advantageous conditions. The land shall be selected south of the railroad, or within six miles north of said road, passing from St. Louis to Terre Haute, known as the Alton and Terre Haute railroad, with a view of obtaining a good supply of water and other conveniences for the use of the institution.

Erection of buildings.

§ 11. Upon the selection and securing of the land aforesaid, the trustees shall proceed to contract for the erection of buildings in which to furnish educational facilities for such number of students as hereinafter provided for, together with the out-houses required for use, also for the improvement of the land so as to make it available for the use of the institution. The buildings shall not be more than two stories in height, and be constructed upon the most approved plan for use, shall front to the east, and shall be of sufficient capacity to accommodate not exceeding three hundred students, with the officers and necessary attendants. The outside walls to be of hewn stone or brick, partition walls of brick, roofs of slate, and the whole buildings made fire-proof, and so constructed as to be warmed in the most healthy and economical manner, with ample ventilation in all its parts. The out-houses shall be so placed and constructed as to avoid all danger to the main buildings from fire originating in any one of them. The board shall appoint an honest, competent superintendent of the buildings and improvements aforesaid, whose duty it shall be to be always present during the progress of the work, and see that every stone, brick, and piece of timber used is sound and properly placed, and whose right it shall be to require contractors and their employees to conform to his directions in executing their contracts: *Provided, however,* that said board of trustees may appoint any one of their number such superintendent: *And provided, further,* that the buildings aforesaid may be erected and improvements made under the direction of the board and its superintendent, without letting the same to contractors.

Instructors.

§ 12. The said board of trustees shall appoint instructors and instructresses, together with such other officers as may be required in the said normal university, fix their respective salaries and prescribe their several duties. They shall also have power to remove any of them for proper cause, after having given ten days' notice of any charge which may be duly presented, and reasonable opportunity of defence. They shall also prescribe the text-books, apparatus and furniture to be used in the university and provide the same, and shall make all regulations necessary for its management.

Each county to send two pupils gratuitously.

§ 13. All the counties shall be entitled to gratuitous instruction for two pupils for each county in said normal university, and each representative district shall be entitled

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